United States Court of Appeals

for the Second Circuit

JOINT APPENDIX

76-7244

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEZ PAGE, DOROTHY DOBSON, RAVELLA FLOYD, INEZ CHARLES, EVELYN FAIRWELL, ALICE ZEALY, GEORGE HOLMES, ENOCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES MCDONALD, DAISY MAE BANKS, MICHELLE COURNOYER, LUZ MARTINEZ, MARIE WARE, ALBERTA FERGUSON, SAIDE JOHNSON, Individually and on behalf of all other persons similarly situated,

Plaintiffs-Appellants

UNITED STATES COURT OF APPEALS
FILED
AUG 19 1976
A. DANIEL FUSARO, CLERK
SECOND CIRCUIT

B
P/S

-vs-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, DIRECTOR OF MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, MONROE COUNTY CIVIL SERVICE COMMISSION, OFFICE OF CIVIL SERVICE & PERSONNEL OF MONROE COUNTY, FRED LAPPLE, EXECUTIVE DIRECTOR, OFFICE OF CIVIL SERVICE & PERSONNEL OF MONROE COUNTY, GABRIEL RUSSO, DIRECTOR OF HUMAN RESOURCES OF MONROE COUNTY AND MONROE COUNTY,

Defendants-Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

JOINT APPENDIX

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	YR.	NUMBER	MO.	DAY	YEAR					$	OTHER	NUMBER	DEM.	YR.	NUMBER
209 1	75	0520	11	24	75	3	442	1			40 plus judgment	0902		75	0520

PLAINTIFFS

GILL, Irvin
ZIEGLAR, Robert
HARRIS, Katherine
FITZHUGH, Marie
CAMPBELL, Charles
PAGE, Inez
DOBSON, Dorothy
FLOYD, Ravella
CHARLES, Inez
FAIRWELL, Evelyn
ZEALY, Alice
HOLMES, George
MORRISON, Enoch
BLACKWELL, Ruby
SAILES, Rosie Lee
TRAVIS, Betty Jo
LATHAM, Dorothy
ROBINSON, Luther
FUENTES, Eladia
WILLIAMS, Velma
ALLEN, Dolores
SILAS, Vivian
HILL, Beatrice
MATHEWS, Salena
HICKS, Annie
WEATHERS, Harriet
GAFFNEY, Linda
RUTHERFORD, Grace
DIGGS, Doretha
~~HOLMES, Stella~~
McDONALD, Stella Holmes
BANKS, Daisy Mae
COURNOYER, Michelle
MARTINEZ, Luz
WARE, Marie
FERGUSON, Alberta
JOHNSON, Sadie.
Individually and on behalf of
all other persons similarly situated

DEFENDANTS

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES
REED, James, Director of Monroe County Department of Social Services
MONROE COUNTY CIVIL SERVICE COMMISSION, OFFICE OF CIVIL SERVICE & PERSONNEL OF MONROE COUNTY
LAPPLE, Fred, Executive Director Officer of Civil Service & Personnel of Monroe County
RUSSO, Gabriel, Director of Human Resources of Monroe County
MONROE COUNTY

☐ CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	
				JS-6	

Civ-75-320 Irvin Gill, et al. v. Monroe Cty. Dept. of Social Services, et al.

DATE 1975	NR.	PROCEEDINGS
Nov. 24		Filed complaint.
24		Issued summons and 6 copies.
24		JS 5 made
Dec. 2		Filed Mar. ret. on S&C served on Monroe Cty. Dept. of Social Services & James Reed 12-1-75; Monroe Cty. Civil Service Commission, Fred Lapple, Gabriel Russo & Monroe County on 11-28-75
18		Filed Defts., Monroe Cty. Dept. of Social Serv. & James Reed answer affirmative defense, motion to dismiss and counterclaim
18		Filed Defts., Monroe Co. Civil Service Comm, et al., Answer, Affirm. Defense, Counterclaim, etc.
30		" Pltfs. reply to counterclaim of defts. Monroe Cty. Dept. of Social Services, and James Reed.
30		" Pltfs. reply to counterclaim of defts., Monroe Cty. Civil Service Commission, Office of Civil Service of Monroe Cty., Fred Lapple et al.
1976		
Jan. 5		" Pltfs. notice to produce
6		" Pltfs. 1st set of interrogatories.
9		" Pltfs. notice to take deposition of James Reed on 2-2-76
9		" Pltfs. notice to take deposition of Richard Osterman on 2-11-76
9		" Pltfs. notice to take deposition of Gabriel Russo on 2-9-76
9		" Pltfs. notice to take deposition of LaMar Jackson on 1-20-76
19		" Defts., Monroe Cty. Dept. of Social Services, James Reed as Monroe Cty. Dept. of Social Services Director notice of motion to dismiss & motion for protective order etc. ret. 1-26-76
26		" Defts., Monroe Co. Civil Service Comm., Lapple, Russo & Monroe County, affidavit & motion to dismiss & for protective order ret. 1-26-76
26		" Pltfs'. affirmation, notice of cross-motion & motion to compel discovery; opposition to defts'. motions to dismiss ret. 1-26-76
26		Motion by defts. to dismiss and for protective order. Motion by pltf. to compel discovery. Adj. to 2-9-76
Feb. 9		Filed Defts., Monroe Cty. Dept. of Social Services & Reed, reply.
9		" Pltfs.' affidavit of Gill and Dobson
9		" Deft., Cty. of Monroe, reply.
9		Motions by defts. to dismiss & for protective order. Motion by Pltf. to compel discovery. To be finally submitted for decision 4 wks from today. All discovery is stayed pending decision on motion.
Mar 8		Filed Pltf's. Affirmation of Michele Cournoyer.
Apr. 22		Filed Decision & Order that the action is dismissed on the grounds failure to state a cause of action pltfs' lack of standing F-175 to bring this suit, the action is barred by the statute of limitations etc.-Burke, DJ Notice & copies to Emmelyn Logan-Baldwin, Charles G. Finch and William J. Stevens
22		" Judgment on Decision of the Court-Clerk Notice & copies to F-175 Emmelyn Logan-Baldwin, Charles Finch and William J. Stevens
22		JS 6 made
May 17		Filed at Roch. Notice of Appeal for all Pltfs. except Michelle Cournoyer (copy mailed 5/18/76 to Messrs. Finch and Stevens and to Clerk, CCA with copy of docket entries; CCA's Forms C and D mailed to Mrs. Logan-Baldwin)

CLOSED

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEZ PAGE, DOROTHY DOBSON, RAVELLA FLOYD, INEZ CHARLES, EVELYN FAIRWELL, ALICE ZEALY, GEORGE HOLMES, ENOCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES McDONALD, DAISY MAE BANKS, MICHELLE COURNOYER, LUZ MARTINEZ, MARIE WARE, ALBERTA FERGUSON, SADIE JOHNSON, individually and on behalf of all other persons similarly situated

Plaintiffs

-against-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, Director of Monroe County Department of Social Services, MONROE COUNTY CIVIL SERVICE COMMISSION, OFFICE OF CIVIL SERVICE & PERSONNEL OF MONROE COUNTY, FRED LAPPLE, Executive Director, Office of Civil Service & Personnel of Monroe County, GABRIEL RUSSO, Director of Human Resources of Monroe County and MONROE COUNTY

Defendants

COMPLAINT

JURISDICTION

1. This is an action for injunctive relief, declaratory judgment and money damages. The action arises under the Constitution of the United States, the First, Ninth and Fourteenth Amendments to the United States Constitution; Title VII of the Act of Congress known as "The Civil Rights Act of 1964," as amended by the Equal Employment Opportunity Act of 1972, 42 U.S.C. §2000(e)5(f); under 42 U.S.C. §1983; and under 42 U.S.C. §1981. The court has jurisdiction over this action pursuant to 28 U.S.C. 1331, 1343, 2201, 2202 and 42 U.S.C. §2000(e)5(f). The

jurisdiction of this court is invoked to secure protection of and to redress deprivation of rights secured by (a) the Fourteenth Amendment to the United States Constitution including the right to equal protection of the laws, (b) 42 U.S.C. §1983, providing for the guarantee to all persons of all rights, privileges, and immunities secured by the Constitution and laws of the United States, (c) 42 U.S.C. §1981, providing for the guarantee to all persons of the same rights as are enjoyed by white citizens, and (d) 42 U.S.C. §2000(e) et seq, providing for injunctive and other relief against discrimination on the basis of race, color, sex and national origin in employment.

2. Charges of discrimination have been filed with the Equal Employment Opportunity Commission by certain named members of the class. The charges were properly deferred; more than one hundred and eighty (180) days have elapsed since the Equal Employment Opportunity Commission took jurisdiction over the charges. The United States Department of Justice has issued Right to Sue Notices to those plaintiffs. This action is brought within ninety days of the receipt of those Right to Sue Notices on October 14, 1975. Copies of those Right to Sue Notices are attached hereto and made a part hereof as Exhibit A.

3. Plaintiffs bring this action on their own behalf and on behalf of other persons similarly situated pursuant to Rule 23(b)(2) and 23(b)(3) of the Federal Rules of Civil Procedure.

PARTIES

4. Plaintiff Irvin Gill is a black citizen of the United States and a resident of the State of New York. He presently resides at 169 Earl Street, Rochester, New York. He is and has been employed by defendants since May of 1959.

5. Plaintiff Robert Zieglar is a black citizen of the United States and a resident of the State of New York. He presently resides at 50 Elmdorf Avenue, Rochester, New York. He is and has been employed by defendants since September of 1963.

6. Plaintiff Katherine Harris is a black citizen of the United States and a resident of the State of New York. She presently resides at 400 Wellington Avenue, Rochester, New York. She is and has been employed by defendants from 1954 until 1958 and from 1964 to the present.

7. Plaintiff Marie Fitzhugh is a black citizen of the United States and a resident of the State of New York. She presently resides at 187 Menard Drive, Rochester, New York. She is and has been employed by defendants from 1948 to 1955 and from 1962 to the present.

8. Plaintiff Charles Campbell is a black citizen of the United States and a resident of the State of New York. He presently resides at 22A Ripley Street, Rochester, New York. He is and has been employed by defendants since 1963.

9. Plaintiff Inez Page is a black citizen of the United States and a resident of the State of New York. She presently resides at 255 West Squire Drive, Rochester, New York. She is and has been employed by defendants since November 1973.

10. Plaintiff Dorothy Dobson is a black citizen of the United States and a resident of the State of New York. She presently resides at 524 Rockingham Street, Rochester, New York. She is and has been employed by defendants since 1958.

11. Plaintiff Ravella Floyd is a black citizen of the United States and a resident of the State of New York. She presently resides at 69 Drexmore Road, Rochester, New York. She is and has been employed by defendants since 1949.

12. Plaintiff Inez Charles is a black citizen of the United States and a resident of the State of New York. She presently resides at 2 Trafalgar Street, Rochester, New York. She is and has been employed by defendants since 1956.

13. Plaintiff Evelyn Fairwell is a black citizen of the United States and a resident of the State of New York. She presently resides at 3 Fight Square, Rochester, New York. She is and has been employed by defendants since 1969.

14. Plaintiff Alice Zealy is a black citizen of the United States and a resident of the State of New York. She presently resides at 12 Bobrich Drive, Apt. #5, Rochester, New York. She is and has been employed by defendants since October of 1960.

15. Plaintiff George Holmes is a citizen of the United States of American Indian heritage and a resident of the State of New York. He presently resides at 141 South Fitzhugh Street, Rochester, New York. He is and has been employed by defendants since 1969.

16. Plaintiff Enoch Morrison is a black citizen of the United States and a resident of the State of New York. He presently resides at 173 Lewis Street, Rochester, New York. He is and has been employed by defendants since 1971.

17. Plaintiff Ruby Blackwell is a black citizen of the United States and a resident of the State of New York. She presently resides at 106 Cuba Place, Rochester, New York. She is and has been employed by defendants since 1969.

18. Plaintiff Rosie Lee Sailes is a black citizen of the United States and a resident of the State of New York. She presently resides at 64 Kenwood Avenue, Rochester, New York. She is and has been employed by defendants since 1969.

19. Plaintiff Betty Jo Travis is a black citizen of the United States and a resident of the State of New York. She presently resides at 775 Arnett Boulevard, Rochester, New York. She is and has been employed by defendants since 1967.

20. Plaintiff Dorothy Latham is a black citizen of the United States and a resident of the State of New York. She presently resides at 49 Villa Street, Rochester, New York. She is and has been employed by defendants since 1969.

21. Plaintiff Luther Robinson is a black citizen of the United States and a resident of the State of New York. He presently resides at 400-A Chatham Gardens, Rochester, New York. He is and has been employed by defendants since March of 1971.

22. Plaintiff Eladia Fuentes is a Spanish surnamed citizen of the United States and a resident of the State of New York. She presently resides at 30 Baird Street, Rochester, New York. She is and has been employed by defendants since January, 1971.

23. Plaintiff Velma Williams is a black citizen of the United States and a resident of the State of New York. She presently resides at 114 Aberdeen Street, Rochester, New York. She is and has been employed by defendants since July 1969.

24. Plaintiff Dolores Allen is a black citizen of the United States and a resident of the State of New York. She presently resides at 30 Blue Avocado Lane, Rochester, New York. She is and has been employed by defendants periodically since 1958.

25. Plaintiff Vivian Silas is a black citizen of the United States and a resident of the State of New York. She presently resides at 81 Hudson Avenue, Rochester,New York. She is and has been employed by defendants since 1966.

26. Plaintiff Beatrice Hill is a black citizen of the United States and a resident of the State of New York. She presently resides at 396 Waring Road, Rochester, New York. She applied for employment with defendants in May, 1970 and in January, 1973 and was denied employment on both occasions.

27. Plaintiff Salena Mathews is a black citizen of the United States and a resident of the State of New York. She presently resides at 86 Atlantic Avenue, Rochester, New York. She is and has been employed by defendants since 1971.

28. Plaintiff Annie Hicks is a black citizen of the United States and a resident of the State of New York. She presently resides at 49 Winterset Drive, Rochester, New York. She is and has been employed by defendants intermittently since 1958.

29. Plaintiff Harriet Weathers is a black citizen of the United States and a resident of the State of New York. She presently resides at 579 Norton Street, Rochester, New York. She is and has been employed by defendants since 1969.

30. Plaintiff Linda Gaffney is a white citizen of the United States and was a resident of the State of New York until September 1975. She presently resides at 1518 Allerton Street, Kent, Ohio. She was employed by defendants from 1970 until September, 1975.

31. Plaintiff Grace Rutherford is a black citizen of the United States and was a resident of the State of New York until April, 1975. She presently resides at 3174 Mangum Lane, Atlanta, Georgia. She was employed by defendants from 1960 until March of 1975.

32. Plaintiff Doretha Diggs is a black citizen of the United States and a resident of the State of New York. She presently resides at 231 Hudson Avenue, Rochester, New York. She is and has been employed by defendants since 1969.

33. Plaintiff Stella Holmes McDonald is a black citizen of the United States and a resident of the State of New York. She presently resides at 166 Breck Street, Rochester, New York. She was employed by defendants from 1970 until May, 1975.

34. Plaintiff Daisy Mae Banks is a black citizen of the United States and a resident of the State of New York. She presently resides at 47 Winbourne Road, Rochester, New York. She is and has been employed by defendants since 1971.

35. Plaintiff Michelle Cournoyer is a white citizen of the United States and a resident of the State of New York. She presently resides at 9 School Lane, Pittsford, New York. She was employed by defendants from 1969 until January, 1974.

36. Luz Martinez is a Spanish-surnamed citizen of the United States and a resident of the State of New York. She presently resides at 28 Hoeltzer Street, Rochester, New York. She is and has been employed by defendants since October, 1970.

37. Marie Ware is a black citizen of the United States and a resident of the State of New York. She presently resides at 12 Ludwig Park, Rochester, New York. She is and has been employed by defendants since 1969.

38. Alberta Ferguson is a black citizen of the United States and a resident of the State of New York. She presently resides at 144 Clintwood Court, Apt. E, Rochester, New York. She is and has been employed by defendants since 1971.

39. Sadie Johnson is a black citizen of the United States and a resident of the State of New York. She presently resides at 9 Vetter Street, Rochester, New York. She is and has been employed by defendants since 1971.

40. Upon information and belief, the defendant, Monroe County Department of Social Services, is a department of the County of Monroe, political subdivision of the State of New York. Upon information and belief, James Reed is the director of defendant, Monroe County Department of Social Services and is an agent, servant and/or employee of Monroe County, political subdivision of the State of New York. Upon information and belief, defendant Monroe County Civil Service Commission is a department and/or subdivision of the County of Monroe government. Upon information and belief, the defendant, Office of Civil Service and Personnel of Monroe County, is a department and/or subdivision of the government of Monroe County. Upon information and belief, defendant Fred Lapple, is the Executive Director of the Office of Civil Service and Personnel of Monroe County. Upon information and belief, defendant Gabriel Russo, is the Director of Human Resources, a department and/or division of the County of Monroe government. Upon information and belief, the County of Monroe is a political subdivision of the State of New York. Defendants are employers within the meaning of Title VII of the Civil Rights Act of 1964 as amended in 1972.

CLASS ACTION ALLEGATIONS

41. Plaintiffs bring this action pursuant to Rule 23(b)(2) and 23(b)(3) of the Federal Rules of Civil Procedure on behalf of themselves and all other persons similarly situated. The class represented by named plaintiffs consists of minority persons who have been employed, are employed, might be employed, or have made application to be employed and who because of the illegal discriminatory practices alleged herein have been denied employment and/or advancement opportunity within the Monroe County Department of Social Services. The term "minority" includes all persons who are not of caucasian (white) race or of Anglo-Saxon national origin.

42. The class of plaintiffs set forth in paragraph 41 is so numerous that joinder of all the members is impractical. There are questions of law and fact common to the class, namely the legality of defendants' employment practices which have had and continue to have the effect of discriminating against persons on the basis of race, color, sex and national origin. The claims of the representative parties are typical of the claims of the class. A common relief is sought. Plaintiffs will fairly and adequately protect the interests of the class. The defendants have acted, and continue to act, or have refused to act, on grounds generally applicable to the entire class.

43. Common questions predominate over any questions affecting only individual members of the class and a class action is superior to other available methods for the fair and efficient adjudication of this controversy.

STATEMENT OF CASE

44. This is a proceeding to enforce the rights of the plaintiffs and members of their class to equal employment opportunities. Plaintiffs seek employment, training, promotions and advancement opportunities within the Monroe County Department of Social Services. Plaintiffs seek damages, back-pay and employee benefits for themselves and for members of their class by reason of the illegal acts of the defendants. Plaintiffs seek an injunction restraining the defendants from maintaining a practice, policy, custom or usage of:

(a) Discriminating against plaintiffs because of race, color, sex and national origin with respect to compensation, terms, conditions and privileges of employment, including, without intending to limit, hiring, transfer and promotion, and,

(b) Limiting, segregating and classifying employees of defendant Monroe County Department of Social Services in ways which deprive the plaintiffs of employment opportunities and otherwise adversely affect their status as employees because of race, sex, color or national origin.

45. The defendants have consistently and purposefully limited and deprived potential and present employees of the Monroe County Department of Social Services on the basis of race, color, sex, and national origin, of their rights guaranteed to them under the United States Constitution and federal law, with the intent and design both directly and indirectly of fostering and protecting the advancement of white employees, to the detriment of minority employees.

FACTUAL ALLEGATIONS

46. The defendants maintain a policy and practice of discriminating against their minority employees, including plaintiffs herein, by virtually excluding them from certain job classifications, to wit, those job classifications of managerial and policy-making levels with high pay and status. Job classification determines the rate of pay an employee receives, as well as professional status and benefits. Minority employees, including plaintiffs herein, are classified to lower job classifications and receive lower rates of pay than white employees, particularly white male employees, who perform the same or similar duties or responsibilities and who possess the same or lesser professional training and competence.

47. The defendants discriminate against the plaintiffs and other persons similarly situated by maintaining a policy, practice, custom and usage of paying minority employees less than their white counterparts, particularly white males, when the education, skill and professional competence of the minority employees equals or exceeds the education, skill and competence of the white employees engaged in the same or similar work.

48. The defendants maintain a policy, practice and usage of recruitment for employees which is directed to seeking and hiring only whites, particularly white males, for the best-paying, career-oriented jobs while seeking and hiring minorities, including plaintiffs herein, for lower paying jobs with little or no career and advancement prospects.

49. The defendants maintain a policy, practice, custom and usage of excluding minorities, including plaintiffs herein, from training programs and/or opportunities to which whites, particularly white males, with the equivalent or less

education and skills are enrolled and are afforded either at the commencement of their employment or during certain stages of their employment.

50. The defendants discriminate against the plaintiffs and other minority employees by maintaining a policy, practice, custom and usage of promotion which is directed to seeking and promoting only whites, particularly white males, for the best-paying, career-oriented jobs, when the education, skill and professional competence of minority employees equals or exceeds the education, skills and competence of the white employees promoted.

51. The defendants discriminate against the plaintiffs and other minority employees by maintaining a policy, practice, custom and usage of transferring employees which is directed to seeking and transferring only whites, particularly white males, for the best-paying, career-oriented jobs when the education, skill and professional competence of the minority employees equals or exceeds the education, skill and competence of the white employees transferred.

52. The defendants discriminate against the plaintiffs and other minority employees by maintaining a policy, practice, custom and usage of denying its minority employees titles, pay and job status to which they are entitled by virtue of their job functions, performances, background and experience. This title, pay and status is given to white employees, particularly white males.

53. The defendants discriminate against the plaintiffs and other minority employees by maintaining a policy, practice, custom and usage of administering tests and other appointment criteria for positions which are not validated pursuant to law in that they are not relevant to the qualifications for the job; such

tests are administered so that white employees receive jobs while minority employees are excluded from job opportunities.

54. The defendants discriminate against the plaintiffs and other minority employees by maintaining a policy, practice, custom and usage of excluding minorities from employment opportunities by making provisional appointments of whites, particularly white males, to jobs so that whites receive on-the-job training prior to being tested for permanent appointments; minorities are not given these same opportunities. The provisional appointments of whites have continued beyond two years, in some instances, without their being competitive examinations - all in direct violation of law.

55. The defendants discriminate against the plaintiffs and other minority employees by maintaining a policy, practice, custom and usage of varying job standards and/or qualifications to accomodate employment for white employees, particularly white males, but not extending the same accomodation to prospective minority employees.

56. The defendants discriminate against the plaintiffs and other minority employees by maintaining a policy, practice, custom and usage of using a subjective evaluation process in judging their employees' performance which operates to favor employment opportunities for white employees, particularly white males, and excludes employment opportunities for minority employees.

57. The defendants discriminate against the plaintiffs and other minority employees by maintaining a policy, practice, custom and usage of failing to post job openings, dates for examinations for jobs, provisional status of appointments so that employment opportunities for whites, particularly white males, are enhanced and minorities are thereby excluded.

58. The defendants discriminate against the plaintiffs and other minority employees by maintaining a policy, practice, custom and usage of using word-of-mouth recruitment for positions thereby enhancing employment opportunities for whites, particularly white males, and excluding minorities from such opportunities.

59. The defendants discriminate against the plaintiffs and other minority employees by maintaining a policy, practice, custom and usage of appointing whites, particularly white males, for jobs from civil service lists not related to the job and thereby enhancing the employment opportunities of white employees while excluding minorities from those opportunities.

60. The defendants discriminate against the plaintiffs and other minority employees by maintaining a policy, practice, custom and usage of giving white employees, particularly white males, travel monies and opportunities to represent the defendants at meetings and conferences while denying those opportunities to minority employees.

61. The defendants discriminate against the plaintiffs and other minority employees by maintaining a policy, practice, custom and usage of fostering an atmosphere in the employment situation which is calculated to harass, embarrass, humiliate and thereby cause the minority employees to "keep his/her place."

62. The defendants discriminate against the plaintiffs and other minority employees by maintaining a policy, practice, custom and usage of retaliating against their minority employees for complaining of illegal employment practices.

63. The defendants discriminate against plaintiffs and other minority employees by maintaining a policy, practice, custom and usage of assigning its personnel so that black

personnel work with black clientele and white personnel work with white clientele and Spanish surnamed personnel work with Spanish surnamed clientele, rather than assigning its personnel on the basis of merit.

64. The defendants discriminate against the plaintiffs and other minority employees by maintaining a policy, practice, custom and usage of excluding its minority employees from participation in statutorily mandated procedures for eliminating employment discrimination and ignoring suggestions of its minority employees for the elimination of employment discrimination.

65. Plaintiff Irvin Gill is and has been employed by defendants since May of 1959. Plaintiff Gill is a fully qualified and trained social worker; he has a Master's Degree and many years of practical experience. He has sought and continues to seek advancement in his employment with the defendants.

66. Plaintiff Gill passed the civil service exam for general case supervisor in September of 1971 and was ranked third on the list of appointment to the position. A white person who ranked fourth on the list was appointed to the position over Mr. Gill notwithstanding that, on information and belief, his education, skills and background were not equal to those of plaintiff Gill. Plaintiff Gill has been consistently denied employment opportunities with defendants.

67. Plaintiff Gill has been denied leave of absence from the defendant Monroe County Department of Social Services, contrary to the policy of the defendant solely because of plaintiff Gill's race and in retaliation for his having complained of employment discrimination. He has therefore had to resign for a year in order to pursue professional goals.

68. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Gill has been denied equal compensation, terms, conditions and privileges of employment and he has been retaliated against by the defendants for having complained of that employment discrimination. 18

69. Plaintiff Robert Zieglar is and has been employed by defendants since September of 1963. Plaintiff Zieglar is a fully qualified and trained social worker; he has a B.S. Degree, one semester of graduate school, and many years of practical experience. He has sought and continues to seek advancement in his employment with defendants.

70. In 1968 plaintiff Zieglar was given the newly created position of WIN (Work Incentive) Coordinator and passed the civil service examination for the position. Despite his great success with the program, in December of 1971 plaintiff Zieglar was demoted to the position of senior case worker with a decrease in pay. In April of 1972 a white person with less experience and a lower civil service classification than plaintiff Zieglar was named to coordinate the WIN program. On information and belief, in the spring of 1973 this person was terminated and another white person who was also less qualified than plaintiff Zieglar was named WIN coordinator.

71. Shortly after plaintiff Zieglar filed his complaint of employment discrimination against the defendants with the Equal Employment Opportunity Commission and with the New York State Division of Human Rights, defendants retaliated against plaintiff by giving him an exceedingly low evaluation of job performance which was in no way justified.

72. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Zieglar has been denied equal compensation, terms, conditions and privileges of

employment and he has been retaliated against by the defendants for having complained of that employment discrimination.

73. Plaintiff Katherine Harris is and has been employed by defendants from 1954 until 1958 and from 1964 to the present. Plaintiff Harris is a fully qualified and trained social worker; she has a college degree and many years of practical experience. She has sought and continues to seek advancement in her employment with the defendants.

74. Plaintiff Harris passed the civil service examination for senior case worker in 1965 but was unable to take the examination for supervisor until educational requirements were changed in 1974. Plaintiff Harris passed the civil service examination for supervisor when she was first allowed to take it in 1974 and was appointed a probational supervisor in June of 1975. Were it not for the requirement that a Master's Degree had been necessary before taking the supervisor's examination, plaintiff Harris would have long ago been given the opportunity to advance. Plaintiff Harris has always had excellent evaluations. The educational requirement operated to exclude qualified minorities from supervisory positions.

75. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Harris has been denied equal compensation, terms, conditions, and privileges of employment.

76. Plaintiff Marie Fitzhugh is and has been employed by defendants from 1948 to 1955 and from 1962 to the present. Plaintiff Fitzhugh is a fully qualified and trained social worker; she has a Master's Degree and many years of practical experience. She has sought and continues to seek advancement in her employment with defendants.

77. Plaintiff Fitzhugh has continually been denied job opportunities and advancement, despite her success in passing all promotional civil service examinations which she has taken. In 1964 she passed the supervisor's examination; she was the only non-white to pass the examination of the eight persons who qualified. All those persons except plaintiff Fitzhugh were soon offered positions as supervisors, including the one person below her on the eligibility list. Plaintiff Fitzhugh thereafter filed a discrimination complaint with the State Division of Human Rights on May 28, 1965.

78. In 1966 plaintiff Fitzhugh was appointed case work supervisor. She has since been given no further opportunity for upward advancement into administrative positions with the defendants, despite passing all examinations and despite repeated requests for this opportunity. Plaintiff Fitzhugh filed a discrimination complaint with the State Division of Human Rights on August 23, 1973 charging discrimination on the basis of race, color and sex.

79. Subsequent to filing this complaint, Ms. Fitzhugh was harassed by Mr. James Reed, Director of Monroe County Department of Social Services, in April of 1974 in an attempt to show plaintiff's inadequate supervision and her inability to perform as supervisor in a higher capacity. Defendants have continued to deny plaintiff Fitzhugh opportunities for advancement solely because of her race and sex and in retaliation for her having complained of employment discrimination. Plaintiff Fitzhugh filed a complaint with the State Division of Human Rights on August 30, 1974, charging defendants with retaliating against her for having previously filed complaints with the New York State Division of Human Rights.

80. Subsequent to her having filed complaints of employment discrimination and in retaliation therefore, defendants have given plaintiff Fitzhugh unfounded low job evaluations and have failed to notify her of vacancies in administrative positions. They refused to seek a second extension of the administrative caseworker list on which plaintiff Fitzhugh had a passing rating.

81. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Fitzhugh has been denied equal compensation, terms, conditions and privileges of employment and she has been retaliated against by defendants for having complained of that employment discrimination.

82. Plaintiff Charles Campbell is and has been employed by defendants since 1963. Plaintiff Campbell is a fully qualified and trained social worker; he has a Master's Degree and many years of practical experience. He has sought and continues to seek advancement in his employment with the defendants.

83. Plaintiff Campbell has continually carried large caseloads and responsibilities for which he has not been given credit and salary. When he returned to the Department of Social Services in May, 1968 after one year leave of absence for graduate school, he should have been given a title and salary of special caseworker. He was not given the promotion to which he was then entitled until he protested to the defendants. He was then offered a promotion but was requested not to return to school to finish his Master's Degree. Plaintiff did return to school, although the defendants refused to give him educational leave with pay.

84. On his return to defendants with his Master's Degree plaintiff Campbell should have been offered a supervisory position. Instead he was assigned as a caseworker. Plaintiff Campbell protested to defendants and was thereafter given a provisional supervisory appointment.

85. When plaintiff Campbell did not pass the supervisors exam, he was demoted to special caseworker despite his excellent work performance as supervisor. He was subsequently offered supervisory jobs, with caseworker pay.

86. In August, 1975, plaintiff Campbell was given a provisional appointment as Coordinator of Community Services and was asked to head the Affirmative Action Committee for the Monroe County Department of Social Services. Plaintiff Campbell is recognized as having strong qualifications and skills, yet he has been denied salary and title due him. No annual evaluations of his work have been done by defendants and aside from his latest appointment, plaintiff Campbell has not been given the provisional appointments which are given to white employees.

87. Solely because of the employment discrimination alleged heretofore, plaintiff Campbell has been denied equal compensation, terms, conditions and privileges of employment.

88. Plaintiff Inez Page is and has been employed by defendants since November, 1973. Plaintiff has sought and continues to seek advancement in her employment with defendants.

89. Plaintiff Page was placed in the Department of Social Services by the WIN (Work Incentive) program in November, 1971 to be trained until there was an opening for which she could be hired. She was not hired by defendants for two years, until November, 1973, shortly after she informed defendants she would leave if not put on the payroll. During these two years she

received no vacation pay or sick pay and did not accrue seniority. Other people were hired for the position of caseaide while plaintiff Page was bypassed.

90. Plaintiff Page is presently a caseaide. She has had this same position since the beginning of her employment with defendants. She has not been evaluated annually nor has she been given annual increments in salary. Other employees are evaluated annually and given regular salary increments. Plaintiff Page has no opportunity to advance; she cannot take the caseworker examination because, on information and belief, the defendants require that caseaides first work for five years before being allowed to take the caseworker examination.

91. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Page has been denied equal compensation, terms, conditions, and privileges of employment.

92. Plaintiff Dorothy Dobson is and has been employed by defendants since 1958. Plaintiff Dobson is a fully qualified and trained social worker; she has a college degree and many years of practical experience. She has sought and continues to seek advancement in her employment with defendants.

93. Plaintiff Dobson had been a caseworker ever since the commencement of her employment with the defendants until she was given a provisional appointment to senior caseworker in March, 1975. She has held additional supervisory responsibilities throughout her employment without additional compensation. She did not pass the senior caseworker examination and therefore does not have a permanent appointment as senior caseworker. Until her provisional appointment she had been at the top of the salary level for caseworkers for twelve years. She had therefore not

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received any incremental salary increases for twelve years. Plaintiff Dobson has been given little opportunity for advancement by defendants despite her strong record and her proven ability to handle supervisory responsibilities.

94. Solely because of the employment discrimination of defendants alleged heretofore, plaintiff Dobson has been denied equal compensation, terms, conditions, and privileges of employment.

95. Plaintiff Ravella Floyd is and has been employed by defendants since 1949. Plaintiff Floyd is a fully qualified and trained social worker; she has a college degree and many years of practical experience. She has sought and continues to seek advancement in her employment with the defendants.

96. In spite of plaintiff Floyd's excellent work record with the Department of Social Services, in 1972 on information and belief, Mrs. Floyd's supervisor, Iris Nusbaum, tried to have her demoted. Ms. Floyd protested to the Director of the Monroe County Department of Social Services and to the County Manager in order to prevent her demotion. On information and belief, plaintiff Floyd was harassed by her supervisor because of her race.

97. Plaintiff Floyd has since passed the caseworker supervisor examination and has been designated a casework supervisor. Were it not for the discrimination at the Monroe County Department of Social Services, plaintiff Floyd would have assumed this position much earlier than 1975. On information and belief, the position until recently required at least a year of credits toward a Master's Degree, a requirement which has operated to keep qualified minority employees without a graduate degree out of supervisory positions.

98. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Floyd has been denied equal compensation, terms, conditions and privileges of employment.

99. Plaintiff Inez Charles is and has been employed by defendants since 1956. Plaintiff Charles is a fully qualified and trained social worker with many years of practical experience. She has sought and continues to seek advancement in her employment with the defendants.

100. Plaintiff Charles has been a caseworker ever since the commencement of her employment with the defendants. She has not passed the senior caseworker examination because it is not related to the required job skills. Plaintiff Charles has always had very good evaluations yet has been denied promotional opportunities. She has no possibility for advancement in salary and title unless she can pass an examination which is, on information and belief, discriminatory and unvalidated.

101. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Charles has been denied equal compensation, terms, conditions and privileges of employment.

102. Plaintiff Evelyn Fairwell is and has been employed by defendants since 1969. Plaintiff Fairwell has over two years worth of credits toward a college degree. She has sought and continues to seek advancement in her employment with the defendants.

103. Plaintiff Fairwell started at the Department of Social Services with the "New Careers" program after having been promised a job by the county on completion of a six-month training period. Plaintiff Fairwell had hoped to continue her education

while working, but there was little opportunity for her to pursue her education with pay while employed. She took some courses on her own time in the evenings. She was able to take one course in 1973 for which the Monroe County Department of Social Services reimbursed her 80% of the cost. When plaintiff Fairwell requested the opportunity to take another such course, she was told by Donald Shulman of Staff Development that it might be "too much" for her to handle. On information and belief, Mr. Shulman then encouraged a white person to take the course.

104. Plaintiff Fairwell had been a caseaide since the commencement of her employment with defendants until a promotion to "temporary" caseworker, effective October 27, 1975. She has always had excellent evaluations and until recently was not allowed to take the caseworker examination because she did not have a college degree. When the requirements were recently changed, plaintiff Fairwell took and passed the examination for caseworker. Plaintiff Fairwell has been long denied the possibility of this increase in salary and title because of qualifications which operate to exclude minority employees from advancement with defendants.

105. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Fairwell has been denied equal compensation, terms, conditions, and privileges of employment.

106. Plaintiff Alice Zealy is and has been employed by defendants since 1960. Plaintiff Zealy is a fully qualified and trained social worker; she has a college degree and many years of practical experience. She has sought and continues to seek advancement in her employment with defendants.

107. Plaintiff Zealy had been a caseworker ever since the commencement of her employment with the defendants until she was provisionally appointed to senior caseworker in July, 1975. She has so far been denied the opportunity to advance to the permanent position of senior caseworker because she has been unable to pass the examination for senior caseworker. On information and belief this examination is unrelated to job skills demanded and has a discriminatory impact on minority employees of defendants. On information and belief there has been no senior caseworker examination offered for the last four years.

108. Plaintiff Zealy has always received very good evaluations. She is nonetheless denied opportunities for advancement given to white caseworkers. For instance in the fall of 1974 the employees chosen to go to a conference in Albany, New York on foster care were all white. The person chosen over Ms. Zealy had less time with the Department of Social Services and less time with foster care work than had Ms. Zealy.

109. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Zealy has been denied equal compensation, terms, conditions and privileges of employment.

110. Plaintiff George Holmes is and has been employed by defendants since 1969. Plaintiff Holmes has a college degree and most of the necessary credits for his Master's Degree and Doctorate Degree. He has sought and continues to seek advancement in his employment with defendants.

111. Plaintiff Holmes began his employment with defendants through the "New Careers" program. The participants in the program, most of whom were minority persons, were promised jobs by the county upon completion of a six month training program.

On information and belief, the county initially defaulted in its promise, but after organized protests by the trainees, jobs were made available. Plaintiff Holmes joined the Department of Social Services as a caseaide. On information and belief, approximately 98% of the caseaides were minority persons. On information and belief, the caseaide position was and is one of the lowest paid positions in the Monroe County Department of Social Services.

112. Plaintiff Holmes has been denied opportunities to pursue his education which are given to white employees. In order to continue his education, plaintiff Holmes had to become a part-time employee of the defendants in January, 1971. Mr. Holmes then requested educational leave with pay and was told he could not be included in the quota of staff who were going to school with pay. Mr. Holmes then requested educational leave without pay and was again turned down. He was told to resign and that a position would be available for him when he completed his Associate's Degree. Mr. Holmes did resign in December of 1971; when he returned with his Associate's Degree in June, 1972 he was told no jobs were available. Mr. Holmes therefore continued his education and returned the following year with his Bachelor's Degree. He was given a position as an examiner, a job which required only a high school diploma. Mr. Holmes has continued to pursue his Master's Degree and Doctorate Degree on his own time. In May of 1975 he applied for educational leave with pay and was denied; on information and belief in July of 1975, seven white persons were granted educational leave with pay.

113. Despite his educational qualifications and background experience, plaintiff Holmes is still an examiner. In January, 1974 he requested a provisional appointment for a para-legal position; the position was given to a white person, who, on

information and belief, was not better qualified.

114. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Holmes has been denied equal compensation, terms, conditions and privileges of employment.

115. Plaintiff Enoch Morrison is and has been employed by defendants since 1971. Plaintiff Morrison has sought and continues to seek advancement in his employment with defendants.

116. Plaintiff Morrison began work with the defendants under the Work Experience Program (WEP) in June, 1971. Plaintiff Morrison worked as a file clerk until November 15, 1972 when he was hired by defendants on a permanent basis as a caseaide. However, defendants insisted that plaintiff continue his job responsibilities as a file clerk, despite plaintiff's request for a transfer to assume the responsibilities called for in his job title. On information and belief, plaintiff Morrison was continually told there were no openings for him as a caseaide.

117. In March, 1974 plaintiff Morrison was transferred to the Waiting Room. He was still unable to have contact with clients' problems or work with a caseworker directly doing any sort of field work. He therefore complained of this discrimination to the Equal Employment Opportunity Commission. Plaintiff Morrison is still being denied his proper job classification, salary, and the opportunity for transfer and promotion.

118. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Morrison has been denied equal compensation, terms, conditions, and privileges of employment and he his been retaliated against by defendants for having complained of that employment discrimination.

119. Plaintiff Ruby Blackwell is and has been employed by defendants since 1969. Plaintiff Blackwell has sought and continues to seek advancement in her employment with the defendants.

120. Plaintiff Blackwell has been a caseaide since the commencement of her employment with the defendants. She has not been given job responsibilities and opportunities of which she is capable. Plaintiff Blackwell has been assigned whatever chores need be done and has not been given a structured learning program which could have allowed her opportunity for advancement.

121. Plaintiff Blackwell has not been given the opportunities to finish her education which are given to white employees of defendants. Plaintiff Blackwell has not been offered guidance by defendants in preparing for any civil service examination she might take for advanced positions with defendants. Plaintiff Blackwell has been denied the salary increases and advancement long due her after over six years of employment with defendants.

122. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Blackwell has been denied equal compensation, terms, conditions, and privileges of employment.

123. Plaintiff Rosie Lee Sailes is and has been employed by defendants since 1969. Plaintiff Sailes has sought and continues to seek advancement in her employment with defendants.

124. Plaintiff Sailes began work with defendants as a teaching homemaker. In May, 1971 she passed a civil service

examination for the position of casework technician, which has since been given the job title of examiner. Ms. Sailes has been an examiner ever since; she has not been offered provisional appointments in spite of her two years of college and many years of practical experience. She did not pass the civil service examination for caseworker; on information and belief the examination is not related to the job skills and has a discriminatory impact on minority employees.

125. Ms. Sailes has not been given training and advancement opportunities due her. Ms. Sailes works in an atmosphere in which she is subjected to racially discriminatory comments and jokes.

126. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Sailes has been denied equal compensation, terms, conditions, and privileges of employment.

127. Plaintiff Betty Jo Travis is and has been employed by defendants since 1967. Plaintiff Travis has sought and continues to seek advancement in her employment with defendants.

128. Plaintiff Travis is a clerk-III, a position which she has held since 1971. She has been denied the opportunity for advancement because she has not been able to pass the examination for clerk-II, an examination which, on information and belief, is not related to the job skills required and which has a discriminatory impact on minorities. Plaintiff Travis is not permitted to take the examination for clerk-I until she holds the position of clerk-II for a year. She is therefore locked into a position of clerk-III and no longer receives incremental increases in salary because she is at the top of the salary

level for clerk-III.

129. Plaintiff Travis has not received training or educational opportunities offered to white employees of defendants.

130. Solely because of the employment discrimination of defendants alleged heretofore, Plaintiff Travis has been denied equal compensation, terms, conditions, and privileges of employment.

131. Plaintiff Dorothy Latham is and has been employed by defendants since 1969. Plaintiff Latham has had almost two years of college education. She has sought and continues to seek advancement in her employment with defendants.

132. Plaintiff Latham began work with the defendants as part of the "New Careers" program in 1969. She has been a caseaide ever since the commencement of her employment with defendants. She has not had the opportunities for advancement given to white persons. Plaintiff Latham has reached the top of the salary level for the caseaide position and is no longer receiving incremental annual increases.

133. Plaintiff Latham has not, until the requirements were recently changed, been allowed to take the examination for caseworker. On information and belief, now that it is a possibility for caseaides with five years experience to take the examination, there has been no effort by defendants to help caseaides prepare for the examination.

134. Plaintiff Latham has not been given the opportunity to pursue her college degree which is given to white persons.

135. Solely because of the employment discrimination of the defendants alleged heretofore, Plaintiff Latham has been denied equal compensation, terms, conditions, and privileges of employment.

136. Plaintiff Luther Robinson is and has been employed by defendants since 1971. Plaintiff Robinson has a college degree. He has sought and continues to seek advancement in his employment with the defendants.

137. Plaintiff Robinson began his employment with defendants in a newly created position called Housing Coordinator. In 1972 this position was eliminated, and a new position called Housing Supervisor was created. On information and belief, the job responsibilities are basically the same as those of the Housing Coordinator. A white person was appointed to that job, and Mr. Robinson was demoted to the provisional position of housing technician. His salary level dropped from approximately $13,000 to approximately $10,000. An assistant was then appointed to the Housing Supervisor. Having been denied the position of Housing Supervisor, Mr. Robinson would have been the likely candidate for the assistant supervisor position. However, plaintiff Robinson was not given the opportunity to apply for the position. A white person who, on information and belief, had no experience with housing problems, was given the position.

138. Mr. Robinson later applied for the position of mortgage counsellor in the housing unit. The position was given to a white person who, on information and belief, had no experience with housing problems.

139. Plaintiff Robinson has been unable to pass civil service examinations which, on information and belief, are unrelated to job skills and have a discriminatory impact on minority employees. Plaintiff Robinson has therefore been locked into a provisional position from which he cannot advance and which he could lose if he cannot pass the civil service examination for the job. Plaintiff Robinson has always had excellent

evaluations by his supervisors.

140. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Robinson has been denied equal compensation, terms, conditions, and privileges of employment.

141. Plaintiff Eladia Fuentes is and has been employed by defendants since 1971. Plaintiff Fuentes has sought and continues to seek advancement in her employment with defendants.

142. Plaintiff Fuentes was employed by defendants in January, 1971, as a teaching homemaker. In July, 1971, she became a caseaide. When she resigned in May, 1972, and then was reinstated in July, 1972, she was told she would get back all her prior benefits. However, her salary was dropped from grade level 4B to level 3B on her return, without explanation. On information and belief, white employees are reinstated at their same or higher salary levels on re-employment after leaving defendants for less than a year.

143. Plaintiff Fuentes is at the top of the salary level for the caseaide position. She has no further opportunities for salary increases or advancement unless she can pass a civil service examination for another position. She is hesitant to take the examination because she is Spanish-speaking. She has not been offered any particular positions commensurate with her ability to help the Spanish-speaking population of Monroe County.

144. Plaintiff Fuentes' duties as a caseaide have offered her little training or development of skills. Her first job responsibilities involved being a telephone operator; she then moved to income maintenance without any defined duties; [illegible] the telephone. She sent a

memorandum to Staff Development asking for a transfer; the memorandum was never answered. She was told there was "clerical" work to keep her busy. In 1972, she moved to the Satellite One office, where she worked as a receptionist. She was under great emotional stress at that office; there was no security guard and she was grabbed by male clients on two occasions. She twice requested a transfer and included a doctor's statement which indicated the emotional strain which she was under. Plaintiff Fuentes also indicated she would like a transfer to where she could best serve bilingual people. She was not transferred until the end of 1973. On information and belief, white employees of defendants are given many more opportunities for advancement and transfer.

145. In the fall of 1974, plaintiff Fuentes was assigned to the waiting room as a receptionist. The position was not one she wanted; she complained of employment discrimination to the New York State Division of Human Rights. Plaintiff Fuentes then heard there was a caseaide position available in the Child Health Assurance Program (CHAP). The shop steward of the union of defendants' employees wrote a memorandum to staff development saying that Ms. Fuentes wanted to be considered. She did get that job. On information and belief, white employees are more readily given worthwhile opportunities for advancement. Minority employees advance much more slowly or not at all.

146. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Fuentes has been denied equal compensation, terms, conditions, and privileges of employment.

147. Plaintiff Velma Williams is and has been employed by defendants since 1969. She has sought and continues

to seek advancement in her employment with defendants.

148. Plaintiff Williams began work with the defendants through the "New Careers" program. Her only job offer was as a caseaide, the position she has had ever since. Initially she was allowed to go to school part of the day, but this opportunity was discontinued after the first six months. On information and belief, white persons, particularly at higher grade levels, are given educational leave with pay much more frequently than are minority employees.

149. Because plaintiff Williams has been denied the opportunity to pursue her education, she is at a disadvantage in taking any civil service examinations for advanced positions. She is presently at the top of the salary level for caseaides and cannot advance further without taking civil service examinations. On information and belief, the defendants have made no effort to help employees prepare for these examinations nor to validate the examinations to ensure that they in fact test necessary job skills.

150. On information and belief, almost all of the caseaides are minority persons. On information and belief, one of the few white persons who started as a caseaide was almost immediately promoted to caseworker, despite requirements for a college degree which this person apparently did not have. Plaintiff Williams and other minority caseaides were never given this opportunity.

151. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Williams has been denied equal compensation, terms, conditions, and privileges of employment.

152. Plaintiff Delores Allen is and has been employed

by defendants periodically since 1958. Plaintiff Allen is a fully qualified and trained social worker; she has a college degree and many years of practical experience. She has sought and continues to seek advancement in her employment with the defendants.

153. Plaintiff Allen has been a caseworker since the commencement of her employment with defendants, aside from the training period where she was considered a casework trainee. She has been at the top of the salary level for the caseworker position for several years and is not able to get an increase in salary until she passes an examination for senior caseworker or is given a provisional appointment. She passed an examination in 1959 for special caseworker, the title of which was later changed to senior caseworker, but on information and belief, the defendants have not allowed people who have passed this examination to be given senior caseworker appointments.

154. Plaintiff Allen wants to remain in the area of homefinding, and would therefore like a provisional appointment as senior caseworker in homefinding. That position was recently offered to a white person. Plaintiff Allen has been offered provisional appointments only in areas in which she does not want to concentrate.

155. Plaintiff Allen is doing the same job as are senior caseworkers, yet she is denied the salary and title of the senior caseworkers. On information and belief, the examinations for senior caseworkers are not related to job skills and have a discriminatory impact on minority employees.

156. Although Plaintiff Allen is presently assigned to a suburban area, until 1971 she was regularly assigned to the ghetto areas of the city. These areas involved the most difficult

assignments and heaviest caseloads. There was no additional monetary compensation provided for these assignments.

157. Plaintiff Allen has had some problems with evaluations in the past by a particular supervisor who plaintiff Allen believes was prejudiced against her because of her race. These evaluations improved only after the supervisor was confronted with plaintiff's complaints to the administrative levels of the Monroe County Department of Social Services.

158. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Allen has been denied equal compensation, terms, conditions, and privileges of employment.

159. Plaintiff Vivian Silas is and has been employed by defendants since 1966. She has sought and continues to seek advancement in her employment with the defendants.

160. Plaintiff Silas has been a teaching homemaker since the commencement of her employment with defendants. Since 1970 she has rarely received incremental salary increases; she is now at the top of the pay level for the teaching homemaker position and is entitled only to cost of living raises.

161. In order to advance, plaintiff Silas must take a Civil Service examination; she has never taken such an examination and has been hesitant to do so without counselling and preparation. She understands that the examinations are unrelated to job skills, are not validated, and have a discriminatory impact on minority persons.

162. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Silas has been denied equal compensation, terms, conditions, and privileges of employment.

163. Plaintiff Beatrice Hill applied for employment with the defendants in May, 1970, and in January, 1973, and was denied employment on both occasions. Plaintiff Hill is a fully qualified and trained social worker; she has a college degree in sociology.

164. Plaintiff Hill initially applied for a job with the Department of Social Services in May of 1970 after two years of college. She interviewed with Dorlene Dhalle, Supervisor of Staff Development; plaintiff Hill told Ms. Dhalle that she would not return to college if she were hired. Plaintiff Hill, nonetheless, was rejected because of her alleged "plans to return to school".

165. Plaintiff Hill applied again in January of 1973 while she was working briefly at the Monroe County Department of Social Services doing field work toward her college degree in sociology. On information and belief, she was told by Donald Shulman, Director of Personnel, that she was not completely qualified for a caseworker position because her college degree would be in sociology, not social work. On information and belief, very few if any of the caseworkers have degrees in social work; it is not a prerequisite for the position.

166. On information and belief, Donald Shulman told plaintiff Hill to contact him shortly before she received her college degree in June, 1973, and he would help her locate a satisfactory job. When plaintiff Hill contacted him, she was told she should take the examination for the position of examiner, which requires only a high school degree. She was not told about the possibility of provisional appointments to the position of caseworker.

167. Plaintiff Hill applied to take the examination

for caseworker but her application was disapproved with the notation that she failed to qualify to take the examination because of insuffic ent work experience. On information and belief, plaintiff was fully qualified to take the examination.

168. Because of the aforesaid actions of defendants, plaintiff Hill filed a complaint of employment discrimination with the New York State Division of Human Rights and with the Equal Employment Opportunity Commission. Plaintiff Hill is now a day care worker at the Al Sigl Center for mentally handicapped children.

169. Solely because of the employment discrimination of the defendants alleged heretofore, plaintill Hill has been denied equal compensation, terms, conditions, and privileges of employment.

170. Plaintiff Salena Mathews is and has been employed by defendants since 1971. Plaintiff Mathews has sought and continues to seek advancement in her employment with the defendants.

171. Plaintiff Mathews has been a homemaker since the commencement of her employment with the defendants, although her position was called teaching homemaker until 1973. On information and belief, the homemaker position is, along with the caseaide position, one of the lowest paying jobs at the Monroe County Department of Social Services. On information and belief, almost all the homemakers and caseaides are minority persons.

172. Plaintiff Mathews has always had good evaluations, but she has no opportunity to advance unless she takes civil service examinations which she understands to be unrelated to job skills. She has been given no training to help her prepare for the examinations.

173. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Mathews has been denied equal compensation, terms, conditions, and privileges of employment.

174. Plaintiff Annie Hicks is and has been employed by defendants intermittently since 1958. Plaintiff Hicks is a fully qualified and trained social worker; she has a college degree and many years of practical experience. She has sought and continues to seek advancement in her employment with the defendants.

175. Plaintiff Hicks has been a caseworker since the commencement of her employment with the defendants. She has been at the top of the salary level for caseworkers for four or five years. She has been denied the opportunities for promotion given to white employees. Plaintiff Hicks has no chance of advancement if she cannot pass the senior caseworker examination, which she believes is unrelated to job skills and has a discriminatory impact on minority employees.

176. Plaintiff Hicks has been asked on occasion to assume some of the responsibilities of a senior caseworker, such as supervising caseaides, yet she has been denied the title and salary of that position.

177. Plaintiff Hicks has carried particularly heavy and difficult caseloads in the inner city. She has been denied requests to transfer to outer suburban areas of the city.

178. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Hicks has been denied equal compensation, terms, conditions, and privileges of employment.

179. Plaintiff Harriet Weathers is and has been employed by defendants since 1969. Plaintiff Weathers has sought

and continues to seek advancement in her employment with the defendants.

180. Plaintiff Weathers has been a caseaide since the commencement of her employment with defendants. She is at the top of the salary level for her position. Plaintiff Weathers has been denied the opportunities for training and promotion given to white employees. Plaintiff Weathers has no opportunity for advancement unless she passes a Civil Service examination for income maintenance worker or caseworker. She has not been offered help by the defendants in preparing for these examinations. She has not been given the opportunity to continue in school part time or to begin to handle the responsibilities of caseworkers, so she feels unprepared for the Civil Service examinations.

181. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Weathers has been denied equal compensation, terms, conditions, and privileges of employment.

182. Plaintiff Linda Gaffney was employed by defendants from 1970 until she resigned in September, 1975. She now resides in Kent, Ohio. Plaintiff Gaffney is a fully qualified and trained social worker; she has a college degree and many years of practical experience. Plaintiff Gaffney is white.

183. Plaintiff Gaffney has been a caseworker since the commencement of her employment with defendants, aside from a one year period as casework trainee. Plaintiff Gaffney has been denied the opportunity to associate with and be supervised by minority employees of defendants. Plaintiff Gaffney has been injured by the reputation of defendants as employers who discriminate on the basis of race. Plaintiff Gaffney has been embarrassed because the opportunities given to her exceed the

opportunities given to minority employees.

184. Plaintiff Gaffney was granted a waiver to take the civil service examination for the caseworker position, which she needed because she had not fulfilled the residency requirements in Monroe County. Plaintiff Gaffney believes this waiver is not given to minority applicants.

185. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Gaffney has been denied the right to association with minorities and has been denied equal compensation, terms, conditions, and privileges of employment.

186. Plaintiff Grace Rutherford was employed by defendants from 1960 until March, 1975. She now resides in Atlanta, Georgia. Plaintiff Rutherford is a fully qualified and trained social worker; she has a college degree and many years of practical experience. She has sought advancement in her employment with the defendants.

187. Plaintiff Rutherford has been a caseworker since the commencement of her employment with the defendants, aside from her initial training period as casework trainee. For the last eight years of employment with defendants, plaintiff Rutherford received only the standard cost of living increases; she could not advance except by passing a civil service examination for the position of senior caseworker. Plaintiff Rutherford failed that examination in 1971. On information and belief, the examination has not been offered since then. On information and belief, the examination is not related to job skills and has a discriminatory impact on minorities.

188. Plaintiff Rutherford was assigned the supervisory duties of an assistant team manager from 1970 until 1973. She

did not receive the pay of a senior caseworker but was carrying all the duties and responsibilities. She hoped to take the senior caseworker examination again and secure her position; before given that opportunity, she was reassigned to caseworker duties in spite of the recommendation of her supervisor that she be promoted to senior caseworker.

189. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Rutherford has been denied equal compensation, terms, conditions, and privileges of employment.

190. Plaintiff Doretha Diggs is and has been employed by defendants since 1969. Plaintiff Diggs has sought and continues to seek advancement in her employment with the defendants.

191. Plaintiff Diggs began her employment with defendants as a caseaide through the "New Careers" program. She was denied the opportunity for additional educational opportunities, training, and advancement given to white employees. Plaintiff Diggs has some credits towards her college degree but has been denied the opportunity to pursue her education while employed by defendants.

192. Plaintiff Diggs has always had very good evaluations. In the fall of 1974 she was transferred to a child care team. Her supervisor did not allow her any of the responsibilities which she had undertaken in her previous assignments. She was not given any opportunity to learn or to advance. Because of her lack of opportunity with defendants, plaintiff Diggs submitted her resignation and then transferred to the Mental Health Department of the Monroe County Hospital as a program aide.

193. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Diggs has been denied equal compensation, terms, conditions, and privileges of employment.

194. Plaintiff Stella Holmes McDonald was employed by defendants from 1970 until May, 1975. She has sought advancement in her employment with defendants.

195. Plaintiff McDonald began her employment with defendants through the "New Careers" program. She initially worked as a community worker at the ABC (Action for a Better Community) Center, and a year later was assigned to the main office of the Monroe County Department of Social Services as a teaching homemaker. She remained in this position until she resigned in May, 1975. Plaintiff McDonald was not given the opportunity for training and advancement given to white employees. She was not allowed the opportunities to continue her education given to white employees. Plaintiff McDonald was not able to take the civil service examination for the caseworker position because she could not meet the educational requirements.

196. Plaintiff McDonald's job functions as a teaching homemaker did not allow her to assume major responsibilities; when she did complete valuable assignments, she found that the caseworkers often took the credit for them. Plaintiff McDonald's evaluations were always excellent, yet she was not paid the same salary as were others doing the same job. Plaintiff McDonald was subjected to comments by whites which indicated racially discriminatory attitudes.

197. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff McDonald has been denied equal compensation, terms, conditions, and privileges of employment.

198. Plaintiff Daisy Mae Banks has been employed by defendants since 1971. She has sought and continues to seek advancement in her employment with the defendants.

199. Plaintiff Banks is a teaching homemaker. The only other position which she has held with defendants is that of a caseaide. She has been denied the opportunity for training and advancement given to white employees. She has been denied the opportunity to be a caseworker because she has not been able to complete her education. She has not had the advantage of educational leave with pay given to whites.

200. Plaintiff Banks is denied credit for work done and denied responsibilities of which she is capable. Her supervisors do not provide guidance either in dealing with problems or in defining her job responsibilities.

201. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Banks has been denied equal compensation, terms, conditions, and privileges of employment.

202. Plaintiff Michelle Cournoyer was employed by defendants from 1969 until she resigned in January, 1974. Plaintiff Cournoyer is a fully qualified and trained social worker; she has a college degree and many years of practical experience. Plaintiff Cournoyer is white.

203. Plaintiff Cournoyer has been a caseworker since the commencement of her employment with defendants. Plaintiff Cournoyer has been denied the opportunity to associate with and be supervised by minority employees of defendants. Plaintiff Cournoyer has been injured by the reputation of defendants as employers who discriminate on the basis of race. Plaintiff Cournoyer has been embarassed because opportunities given

to her exceed the opportunities given to minority employees.

204. Plaintiff Cournoyer was a member of the Minority Recruitment Committee at the Monroe County Department of Social Services. She perceived no action on the part of defendants to increase minority representation at the Monroe County Department of Social Services.

205. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Cournoyer has been denied the right to association with minorities and has been denied equal compensation, terms, conditions, and privileges of employment.

206. Plaintiff Luz Martinez is and has been employed by defendants since October, 1970. Plaintiff Martinez is bilingual in Spanish and English; she has an Associates Degree from the University of Puerto Rico. She has sought and continues to seek advancement in her employment with the defendants.

207. Plaintiff Martinez was hired provisionally by the defendants as a casework technician. When she was unable to pass the civil service examination for the position, she was demoted to the position of caseaide, although she continued to handle the responsibilities of a casework technician. Plaintiff Martinez had good evaluations from her supervisors and handled the responsibilities of casework technician but was denied the credit and title of the position. On information and belief, the examination for casework technician was not related to job skills required and had a discriminatory impact on minority employees.

208. Plaintiff Martinez was appointed provisionally to the position of examiner trainee in late 1972. She was unable to pass the civil service examination to secure the position.

On information and belief, the examination is not related to the job skills required and has a discriminatory impact on minority employees.

209. Plaintiff Martinez interviewed for the position of neighborhood representative. On information and belief, the position was given to a white male caseaide who had one year less experience at the Monroe County Department of Social Services and one year less college than had plaintiff Martinez.

210. Plaintiff Martinez was appointed provisionally to the position of examiner bilingual in the summer of 1973. She passed the examination for the position in December of 1974. Plaintiff Martinez was not assigned specifically to Spanish-speaking people and had to assume translating duties in addition to her usual caseload.

211. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Martinez has been denied equal compensation, terms, conditions, and privileges of employment.

212. Plaintiff Marie Ware is and has been employed by defendants since 1969. She has sought and continues to seek advancement in her employment with the defendants.

213. Plaintiff Ware was hired by defendants as a caseaide through the "New Careers" program. Plaintiff Ware has been denied the opportunity given to white employees to pursue her education; she is therefore locked into the position of caseaide without chance for advancement. She has been given no training nor help in preparing for any civil service examinations.

214. Plaintiff Ware is denied job responsibilities commensurate with her abilities. She is denied the contact with clients' problems which would enable her to assume the job

responsibilities of caseworkers. Defendants convey an attitude which reveals a lack of confidence in minority employees; defendants fail to provide opportunities for advancement for minority employees.

215. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Ware has been denied equal compensation, terms, conditions, and privileges of employment.

216. Plaintiff Alberta Ferguson is and has been employed by defendants since 1971. Plaintiff Ferguson has sought and continues to seek advancement in her employment with the defendants.

217. Plaintiff Ferguson has been a caseaide since the commencement of her employment with defendants. She has been and is being denied the opportunities for education, training, and promotion given to white employees. Plaintiff Ferguson has always received very good evaluations yet is stuck in the caseaide position with no opportunity for varied job experience and advancement.

218. In December, 1974, plaintiff Ferguson was transferred out of protective services (despite the request of her supervisor that she be allowed to remain) and into "Nursery", where she was expected to watch clients' children. Plaintiff Ferguson protested that this was not one of her job responsibilities, but she was not transferred until the Nursery finally closed in the spring of 1975 due to unsuitable conditions.

219. Plaintiff Ferguson is now working in the waiting room, where she has no opportunity to aid caseworkers with clients' problems. She does not have the opportunity given to white caseaides of client contact and advancement.

220. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Ferguson has been denied equal compensation, terms, conditions, and privileges of employment.

221. Plaintiff Sadie Johnson is and has been employed by defendants since 1971. She has sought and continues to seek advancement in her employment with the defendants.

222. Plaintiff Johnson has been a teaching homemaker since her commencement of employment with defendants. She has been denied the opportunity for advancement and training given to white employees. Plaintiff Johnson has not had the opportunity given to whites to pursue her education and therefore feels unprepared to take civil service examinations. Without taking such examinations, she has no opportunity for further advancement. Plaintiff Johnson has always had very good evaluations.

223. Solely because of the employment discrimination of the defendants alleged heretofore, plaintiff Johnson has been denied equal compensation, terms, conditions, and privileges of employment.

FIRST CAUSE OF ACTION

224. Plaintiffs reallege, restate and incorporate each and every allegation in paragraphs 1 through 223.

225. The Fourteenth Amendment of the United States Constitution provides that no state shall "deny to any person within its jurisdiction the equal protection of the laws."

226. As a result of defendants' actions, enumerated in paragraphs 46 through 223, plaintiffs and other persons similarly situated have been and are being subjected to the denial of equal employment opportunities in the Monroe County Department of Social

Services and thus have been and are being denied equal protection of the laws.

227. Plaintiffs and other persons similarly situated have been and are being subjected to the deprivation of rights secured to them by the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

SECOND CAUSE OF ACTION

228. Plaintiffs reallege, restate and incorporate each and every allegation in paragraphs 1 through 227.

229. The Civil Rights Act of 1871, 42 U.S.C. §1983 guarantees to all persons all the rights, privileges and immunities secured by the Constitution and laws of the United States.

230. Defendants' actions, enumerated in paragraphs 46 through 223 were taken under color of state law and have subjected and continue to subject plaintiffs and other persons similarly situated to the deprivation of rights secured by the Constitution and laws of the United States.

231. Plaintiffs and other persons similarly situated have been and are being subjected to the deprivation of rights secured to them by the Civil Rights Act of 1871, 42 U.S.C. §1983.

THIRD CAUSE OF ACTION

232. Plaintiffs reallege, restate and incorporate each and every allegation in paragraphs 1 through 231.

233. The Civil Rights Act of 1870, 42 U.S.C. §1981 guarantees to all persons the same rights as are enjoyed by white citizens.

234. Defendants' actions, enumerated in paragraphs 46 through 223 have denied plaintiffs and others similarly situated of the same right to make and enforce employment contracts as is

enjoyed by white persons.

235. Plaintiffs and other persons similarly situated have been and are being subjected to deprivation of rights secured to them by the Civil Rights Act of 1870, 42 U.S.C. §1981.

FOURTH CAUSE OF ACTION

236. Plaintiffs reallege, restate and incorporate each and every allegation in paragraphs 1 through 235.

237. Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq, as amended in 1972, provides for injunctive and other relief against discrimination on the basis of race, color, sex and national origin in employment.

238. Certain of the named plaintiffs filed complaints with the Equal Employment Opportunity Commission. The charges were properly deferred; more than one hundred and eighty (180) days have elapsed since the Equal Employment Opportunity Commission took jurisdiction over the charges. The United States Department of Justice has issued Right to Sue Notices to those plaintiffs. This action is brought within ninety (90) days of the receipt of those Right to Sue Notices on October 14, 1975.

239. As a result of defendants' actions, enumerated in paragraphs 46 through 223, plaintiffs and other persons similarly situated have been and are being subjected to the denial of equal employment opportunities because of their race, color, sex and national origin.

240. Plaintiffs and other persons similarly situated have been and are being subjected to the denial of rights secured to them by Title VII of the Civil Rights Act of 1964.

FIFTH CAUSE OF ACTION

241. Plaintiffs reallege, restate and incorporate each and every allegation in paragraphs 1 through 240.

242. The First and Ninth Amendments of the United States Constitution guarantee each citizen the right to associate freely with all other citizens, regardless of race, sex or national origin.

243. As a result of the defendants' actions enumerated in paragraphs 46 - 223, plaintiff and other persons similarly situated have been and are being denied freedom of association.

244. Plaintiffs and other persons similarly situated have been and are being subjected to the deprivation of rights secured to them by the First and Ninth Amendments of the United States Constitution.

EFFECTS OF DEFENDANTS' ACTS

245. As a direct consequence of the illegal and unconstitutional acts of the defendants, plaintiffs and other members of the class have suffered and continue to suffer irreparable injuries. Unless this court grants the injunctive relief requested, plaintiffs and other members of the class will continue to suffer loss of equal pay, training, recruitment, promotion, transfer, advancement, etc. Further, absent the equitable relief requested herein, the defendants will succeed in enforcing their policy, practice, custom and usage of sex, race, color, and national origin discrimination under color of law. Plaintiffs have no adequate remedy at law.

246. By reason of the unlawful and discriminatory actions of the defendants, plaintiffs and other members of the class have suffered damages. The discriminatory acts of the defendants have caused plaintiffs illness of body and mind in that plaintiffs have been embarrassed and humiliated and have been subjected to pain and suffering. Absent the equitable relief requested herein, plaintiffs have suffered, are now suffering, and will continue to suffer irreparable injuries.

PRAYER FOR RELIEF

247. WHEREFORE, the plaintiffs respectfully pray that the court advance this case on the docket, order a speedy hearing at the earliest possible date, cause this case to be in every way expedited and upon such hearing:

(a) Issue a declaratory judgment that the employment practices set forth above violate the First, Ninth and Fourteenth Amendments to the Constitution of the United States, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e as amended, and 42 U.S.C. §§1981 and 1983.

(b) Grant the plaintiffs and the class they represent preliminary and permanent injunctions:

(1) Prohibiting the defendants, their agents, successors, employees, attorneys and those acting in concert with them and at their direction from engaging in any of the practices set forth above and any other practice shown to be nationality, racially or sexually discriminatory or arbitrary and capricious, with respect to compensation, terms, conditions and privileges of employment, or from continuing or maintaining any policy, practice, usage or custom of denying, abridging, withholding, conditioning, limiting or otherwise interfering with the rights of the plaintiffs and others of their class to enjoy equal employment opportunities as secured by the United States Constitution and federal law.

(2) Prohibiting the defendants from using as conditions or criteria for employment tests or other criteria which are not professionally developed and properly validated and which disqualify or disadvantage a higher proportion of minority applicants than white applicants similarly situated.

(3) Requiring the defendants to institute immediately affirmative recruitment, hiring and training programs to eliminate the effects of nationality, racially and sexually discriminatory practices.

(4) Requiring the defendants to immediately promote and transfer plaintiffs and the class they represent to the classifications they have been denied by reasons of defendants' discriminatory practices, with seniority dating from the first instance of wrongful failure to place them in such classifications.

(5) Requiring the defendants to immediately give plaintiffs and the class they represent the pay and benefits they would have earned but for the unlawful discriminatory acts of the defendants, to be measured from the latter of their dates of employment by the defendants or the date on which the federal law took effect.

(6) Prohibiting the defendants from retaliating against plaintiffs for having complained of employment discrimination and directing that the defendants hereafter take no actions detrimental to plaintiffs for having pursued these claims.

(c) Establish a mechanism for the enforcement of the injunctions by requiring the defendants to present to the court within thirty (30) days of the issuance of the injunctions a plan showing precisely and in detail how they will comply with the court's order that they cease and desist from policies, practices, customs and usages of discrimination against the plaintiffs and members of the class on account of their race, color, sex and national origin.

(d) Direct that defendants publish verbatim the findings and decisions herein on all defendants' bulletin

boards and in all internal and external publications.

(e) Award the plaintiffs and the members of their class compensatory damages of $40,000,000.00.

(f) Award the plaintiffs the costs of the action herein, including reasonable attorney's fees, for the benefit of the class and for the representation of the class as a whole.

(g) Award the plaintiffs and the members of their class damages by way of example against the defendants in an amount commensurate with the wrong and the defendants' ability to pay.

(h) Retain jurisdiction of this action until defendants have fully complied with the order of the court.

(i) Award such other and further relief as may appear to this court just and proper.

Respectfully submitted,

EMMELYN LOGAN-BALDWIN
510 Powers Building
Rochester, New York 14614
Telephone: 716/232-2292
Attorney for Plaintiffs

DATED: November 21, 1975

EXHIBIT A

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Please Reply to the Division Indicated and Refer to Initials and Number

JSP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Miss Marie E. Fitzhugh
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Office of the County Manager and Office of the Director of the Monroe County Department of Social Services
No. TBU4-0544

Dear Miss Fitzhugh:

Because you have filed a charge against the respondents named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondents.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

61

WASHINGTON, D.C. 20530

Please Reply to the Division Indicated and Refer to Initials and Number
JSP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Miss Marie E. Fitzhugh
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against County of Monroe and Monroe County Department of Social Services
No. TBU4-0725

Dear Ms. Fitzhugh:

Because you have filed a charge against the respondents named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondents.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith Jr.
HERBERT A. GOLDSMYTH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

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Address Reply to the Division Indicated and Refer to Initials and Number

SP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Miss. Marie E. Fitzhugh
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0065

Dear Miss Fitzhugh:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

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Address Reply to the
Division Indicated
and Refer to Initials and Number

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NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Mrs. Dolores M. Allen
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0484

Dear Mrs. Allen:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith Jr.
HERBERT A. GOLDSMITH JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the Division Indicated and Refer to Initials and Number

JSP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Ms. Daisy Mae Banks
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0485

Dear Ms. Banks:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number
TSP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Ms. Ruby N. Blackwell
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0486

Dear Ms. Blackwell:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

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Address Reply to the
Division Indicated
and Refer to Initials and Number

JSP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Mr. George H. Holmes
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0487

Dear Mr. Holmes:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

JSP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Ms. Stella Holmes
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0488

Dear Ms. Holmes:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Mr. Enoch Morrison
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0489

Dear Mr. Morrison:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

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Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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OCT 10 1975

AIR MAIL

Mr. Luther Robinson
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0490

Dear Mr. Robinson:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

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Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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OCT 10 1975

AIR MAIL

Mrs. Eladia Fuentes
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0482

Dear Mrs. Fuentes:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

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Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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OCT 10 1975

AIR MAIL

Mrs. Beatrice S. Hill
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0547

Dear Mrs. Hill:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

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Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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OCT 10 1975

AIR MAIL

Mrs. Velma M. Williams
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0431

Dear Mrs. Williams:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

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Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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OCT 10 1975

AIR MAIL

Mrs. Linda Gaffney
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0057

Dear Mrs. Gaffney:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

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Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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OCT 10 1975

AIR MAIL

Ms. Evelyn Fairwell
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0058

Dear Ms. Fairwell:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

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Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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OCT 10 1975

AIR MAIL

Ms. Ravella D. Floyd
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0059

Dear Ms. Floyd:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

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Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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OCT 10 1975

AIR MAIL

Ms. Inez E. Page
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0060

Dear Ms. Page:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

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Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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OCT 10 1975

AIR MAIL

Mrs. Annie M. Hicks
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0061

Dear Mrs. Hicks:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

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Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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OCT 10 1975

AIR MAIL

Ms. Dorethea Diggs
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0062

Dear Ms. Diggs:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

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Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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OCT 10 1975

AIR MAIL

Ms. Harriet Weathers
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0063

Dear Ms. Weathers:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

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Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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OCT 10 1975

AIR MAIL

Ms. Salena Mathews
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0064

Dear Ms. Mathews:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

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Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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OCT 10 1975

AIR MAIL

Ms. Katherine Harris
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County Department of Social Services and Monroe County Civil Service Commission
No. TBU4-0066

Dear Ms. Harris:

Because you have filed a charge against the respondents named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondents.

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Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

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Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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OCT 10 1975

AIR MAIL

Ms. Michelle M. Cournoyer
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0067

Dear Ms. Cournoyer:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

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Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

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OCT 10 1975

AIR MAIL

Ms. Dorothy A. Dobson
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0068

Dear Ms. Dobson:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

107

Address Reply to the
Division Indicated
and Refer to Initials and Number

JSP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Ms. Grace M. Rutherford
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0069

Dear Ms. Rutherford:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

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Address Reply to the
Division Indicated
and Refer to Initials and Number
JSP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Ms. Vivian L. Silas
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0070

Dear Ms. Silas:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

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Address Reply to the
Division Indicated
and Refer to Initials and Number
JSP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Ms. Dorothy Latham
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0071

Dear Ms. Latham:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

113

Address Reply to the
Division Indicated
and Refer to Initials and Number

JSP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Ms. Inez Charles
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0073

Dear Ms. Charles:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

115

Address Reply to the
Division Indicated
and Refer to Initials and Number

JSP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Mr. Charles E. Campbell
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0074

Dear Mr. Campbell:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

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Address Reply to the
Division Indicated
and Refer to Initials and Number

JSP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Ms. Betty Jo Travis
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0075

Dear Ms. Travis:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

119

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

JSP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Ms. Rosie Lee Robinson
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0076

Dear Ms. Robinson:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

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Address Reply to the
Division Indicated
and Refer to Initials and Number
JSP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Ms. Alice W. Zealy
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charge Against Monroe County
Department of Social Services
No. TBU4-0077

Dear Ms. Zealy:

Because you have filed a charge against the respondent named above and more than 180 days have elapsed since the Equal Employment Opportunity Commission assumed jurisdiction over that charge, and no suit based on that charge has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

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Address Reply to the
Division Indicated
and Refer to Initials and Number

USP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Mr. Irvin A. Gill
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charges Against Monroe County
Department of Social Services
Nos. TBU4-0056 and TBU4-0543

Dear Mr. Gill:

Because you filed the above charges with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the Commission assumed jurisdiction over those charges, and no suit based on those charges has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith, Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

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Address Reply to the
Division Indicated
and Refer to Initials and Number

JSP:HAG:ljt

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

OCT 10 1975

AIR MAIL

Mr. Robert M. Ziegler
c/o Emmelyn Logan-Baldwin, Esquire
Attorney and Counselor at Law
510 Powers Building
Rochester, New York 14614

Re: EEOC Charges Against Monroe County
Department of Social Services
Nos. TBU4-0139 and TBU4-0545

Dear Mr. Zieglar:

Because you filed the above charges with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the Commission assumed jurisdiction over those charges, and no suit based on those charges has been filed by this Department, and since you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

Your attorney may inspect the investigative file pertaining to the case at a time and place convenient to the parties. That file is located in the EEOC District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.

We request that you send this Department a copy of any complaint initiating suit.

This Notice should not be taken to mean that an agency of the United States has made a judgment as to whether or not your charge is meritorious.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Herbert A. Goldsmith Jr.
HERBERT A. GOLDSMITH, JR.
Attorney
Employment Section

cc: Lloyd G. Bell
District Director
Buffalo District Office
Equal Employment Opportunity
Commission
One West Genesee Street,
Room 1020
Buffalo, New York 14202

SUMMONS IN A CIVIL ACTION

CIV. 1 (2-64)
(Formerly D. C. Form No. 45 Rev. (6-49))

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEZ PAGE, DOROTHY DOBSON, RAVELLA FLOYD, INEZ CHARLES, EVELYN FAIRWELL, ALICE ZEALY, GEORGE HOLMES, ENOCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES McDONALD, DAISY MAE BANKS, MICHELLE COURNOYER, LUZ MARTINEZ, MARIE WARE, ALBERTA FERGUSON, SADIE JOHNSON, individually and on behalf of all other persons similarly situated

Plaintiffs

v.

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, Director of Monroe County Department of Social Services, MONROE COUNTY CIVIL SERVICE COMMISSION OFFICE OF CIVIL SERVICE & PERSONNEL OF MONROE COUNTY, FRED LAPPLE, Executive Director, Office of Civil Service & Personnel of Monroe County, GABRIEL RUSSO, Director of Human Resources of Monroe County and MONROE COUNTY

Defendants

CIVIL ACTION FILE NO. _____

SUMMONS

BEST COPY AVAILABLE

To the above named Defendants :

You are hereby summoned and required to serve upon

EMMELYN LOGAN-BALDWIN

plaintiff's attorney , whose address 510 Powers Building, Rochester, New York 14614

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Clerk of Court.

Deputy Clerk.

Date: November 21, 1975

[Seal of Court]

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

RETURN ON SERVICE OF WRIT

129

I hereby certify and return, that on the day of 19 ,

I received this summons and served it together with the complaint herein as follows:

MARSHAL'S FEES

Travel ____ $ _____

Service ____ _____

_____

United States Marshal.

By _____

Deputy United States Marshal.

Subscribed and sworn to before me, a this

day of , 19 .

[SEAL]

_____

Note:—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

No. _____

United States District Court
FOR THE
Western District of New York

Irvin Gill, et al

Plaintiffs

v.

Monroe County Department of Social Services, et al

SUMMONS IN CIVIL ACTION

Returnable not later than days after service.

_____

Attorney for Plaintiff

FPI MI—5-12-71-200M-6282

130

U.S. MARSHALS SERVICE
INSTRUCTION AND PROCESS RECORD

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE U.S. MARSHAL" on the reverse of the last (*No. 5*) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

PLAINTIFF: [redacted] Hill, et al

COURT NUMBER: 75-520

DEFENDANT: Monroe County Department of Social Services, et al

TYPE OF WRIT: Summons and Complaint

SERVE — NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN: Monroe County Department of Social Services

AT — ADDRESS (*Street or RFD, Apartment No., City, State and ZIP Code*): 111 Westfall Road, Rochester, New York 14620

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:

Emmelyn Logan-Baldwin, Esquire
510 Powers Building
Rochester, New York 14614

Show number of this writ and total number of writs submitted, i.e., 1 of 1, 1 of 3, etc.: NO. 1 OF TOTAL 6

CHECK IF APPLICABLE:
☐ One copy for U. S. Attorney or designee and two copies for Attorney General of the U. S. included.

SHOW IN THE SPACE BELOW AND TO THE LEFT ANY SPECIAL INSTRUCTIONS OR OTHER INFORMATION PERTINENT TO SERVING THE WRIT DESCRIBED ABOVE.

SPECIAL INSTRUCTIONS:

Please serve the individual defendants above-noted at their respective business addresses. Service can be made on the governmental units above-noted by service personally on the president of the Monroe County Legislature, the Monroe County Clerk, the Monroe County attorney or the Treasurer of Monroe County.

NAME, SIGNATURE OF ATTORNEY OR OTHER ORIGINATOR	TELEPHONE NUMBER	DATE
[redacted]	[redacted] 2202	11/21/75

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

Show amount of deposit (*or applicable code*) and sign USM-285 for first writ only if more than one writ submitted.	DEPOSIT/CODE	DIST. OF ORIGIN	DISTRICT TO SERVE	LOCATION OF SUB-OFFICE OF DIST. TO SERVE
				Rochester, N. Y.

I acknowledge receipt for the total number of writs indicated and for the deposit (*if applicable*) shown.	SIGNATURE OF AUTHORIZED USMS DEPUTY OR CLERK	DATE
	[signature]	11/26/75

☑ I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in "REMARKS," the writ described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below.

☐ I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc., named above within this Judicial District.

NAME AND TITLE OF INDIVIDUAL SERVED (*If not shown above*): Patricia Berardi, Receptionist who is authorized to accept process

☐ A person of suitable age and discretion then abiding in the defendant's usual place of abode.

ADDRESS (*Complete only if different than shown above*)

FEE (*If applicable*): $2.00 — MILEAGE: $

DATE(S) OF ENDEAVOR (*Use Remarks if necessary*)	DATE OF SERVICE	TIME	SIGNATURE OF U. S. MARSHAL OR DEPUTY
	12/1/75	11:00 AM PM	[signature]

REMARKS

12/2/75
Initial Deposit: -0-
Cost for Service: 18.00
1.92 Mileage
Refund Due: 19.92

USM-285 (Ed. 7-1-70)

3. NOTICE OF SERVICE

131

U.S. MARSHALS SERVICE
INSTRUCTION AND PROCESS RECORD

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE U.S. MARSHAL" on the reverse of the last (*No. 5*) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

PLAINTIFF
Irma Gill, et al

COURT NUMBER

DEFENDANT
Monroe County Department of Social Services, et al

TYPE OF WRIT Summons and Complaint

SERVE
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
James Reed, Director Monroe County Department of Social Services

AT
ADDRESS (*Street or RFD, Apartment No., City, State and ZIP Code*)
111 Westfall Road, Rochester, New York 14620

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:

Emmelyn Logan-Baldwin, Esquire
510 Powers Building
Rochester, New York 14614

Show number of this writ and total number of writs submitted, i.e., 1 of 1, 1 of 3, etc. NO. 2d OF TOTAL 6

CHECK IF APPLICABLE:
☐ One copy for U. S. Attorney or designee and two copies for Attorney General of the U. S. included.

SHOW IN THE SPACE BELOW AND TO THE LEFT ANY SPECIAL INSTRUCTIONS OR OTHER INFORMATION PERTINENT TO SERVING THE WRIT DESCRIBED ABOVE.

SPECIAL INSTRUCTIONS:

Please serve the individual defendants above-noted at their respective business addresses. Service can be made on the governmental units above-noted by service personally on the president of the Monroe County Legislature, the Monroe County Clerk, the Monroe County attorney or the Treasurer of Monroe County.

NAME & SIGNATURE OF ATTORNEY OR OTHER ORIGINATOR	TELEPHONE NUMBER	DATE
[signature]	716/232-2292	11/21/75

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

Show amount of deposit (*or applicable code*) and sign USM-285 for first writ only if more than one writ submitted.	DEPOSIT/CODE	DIST. OF ORIGIN	DISTRICT TO SERVE	LOCATION OF SUB-OFFICE OF DIST. TO SERVE
				Rochester, N. Y.

I acknowledge receipt for the total number of writs indicated and for the deposit (*if applicable*) shown.	SIGNATURE OF AUTHORIZED USMS DEPUTY OR CLERK	DATE

☒ I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in "REMARKS," the writ described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below.

☐ I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc., named above within this Judicial District.

NAME AND TITLE OF INDIVIDUAL SERVED (*If not shown above*)
[illegible] Gerardi, Receptionist who is authorized to accept process.

☐ A person of suitable age and discretion then abiding in the defendant's usual place of abode.

ADDRESS (*Complete only if different than shown above*)

FEE (*If applicable*) $5.00 MILEAGE $ .05

DATE(S) OF ENDEAVOR (*Use Remarks if necessary*)	DATE OF SERVICE	TIME	SIGNATURE OF U. S. MARSHAL OR DEPUTY
	12/1/75	11:00 AM PM	[signature] Deputy

REMARKS

132

U.S. MARSHALS SERVICE
INSTRUCTION AND PROCESS RECORD

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE U.S. MARSHAL" on the reverse of the last (*No. 5*) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

PLAINTIFF: Irvinabill, et al

COURT NUMBER: 75-520

DEFENDANT: Monroe County Department of Social Services, et al

TYPE OF WRIT: Summons and Complaint

SERVE / AT

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN: Monroe County Civil Service Commission Office of Civil Service &

ADDRESS (*Street or RFD, Apartment No., City, State and ZIP Code*): 209 County Office Building, Rochester, New York 14614

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:

Emmelyn Logan-Baldwin, Esquire
510 Powers Building
Rochester, New York 15614

Show number of this writ and total number of writs submitted, i.e., 1 of 1, 1 of 3, etc.: NO. 3 OF TOTAL 6

CHECK IF APPLICABLE:
☐ One copy for U. S. Attorney or designee and two copies for Attorney General of the U. S. included.

SHOW IN THE SPACE BELOW AND TO THE LEFT ANY SPECIAL INSTRUCTIONS OR OTHER INFORMATION PERTINENT TO SERVING THE WRIT DESCRIBED ABOVE.

SPECIAL INSTRUCTIONS:

Please serve the individual defendants above noted at their respective business addresses. Service can be made on the governmental units above-noted by service personally on the president of the Monroe County Legislature, the Monroe County Clerk, the Monnbe County attorney or the Treasurer of Monroe County.

NAME AND SIGNATURE OF ATTORNEY OR OTHER ORIGINATOR	TELEPHONE NUMBER	DATE
[signature]	716/232-2292	11/21/75

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

Show amount of deposit (*or applicable code*) and sign USM-285 for first writ only if more than one writ submitted.	DEPOSIT/CODE	DIST. OF ORIGIN	DISTRICT TO SERVE	LOCATION OF SUB-OFFICE OF DIST. TO SERVE
		55	- /	Rochester, N. Y.

I acknowledge receipt for the total number of writs indicated and for the deposit (*if applicable*) shown.	SIGNATURE OF AUTHORIZED USMS DEPUTY OR CLERK	DATE
	[signature]	11/24/75

☒ I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in "REMARKS," the writ described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below.

☐ I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc., named above within this Judicial District.

NAME AND TITLE OF INDIVIDUAL SERVED (*If not shown above*): Fred Lamb, Executive Director

☐ A person of suitable age and discretion then abiding in the defendant's usual place of abode.

ADDRESS (*Complete only if different than shown above*)

FEE (*If applicable*): $3.00 MILEAGE: $

DATE(S) OF ENDEAVOR (*Use Remarks if necessary*)	DATE OF SERVICE	TIME	SIGNATURE OF U. S. MARSHAL OR DEPUTY
	11/24/75	10:50 AM PM	[signature]

REMARKS

USM-285 (Ed. 7-1-70)

3. NOTICE OF SERVICE

U.S. MARSHALS SERVICE
INSTRUCTION AND PROCESS RECORD

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE U.S. MARSHAL" on the reverse of the last (*No. 5*) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

PLAINTIFF: [redacted]vin Gill, et al

COURT NUMBER: 75-520

DEFENDANT: Monroe County Department of Social Services, et al

TYPE OF WRIT: Summons and Complaint

SERVE — NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN: Fred Lapple, Executive Director, Office of Civil Service & Personnel of Monroe County

AT — ADDRESS (*Street or RFD, Apartment No., City, State and ZIP Code*): 209 County Office Building, Rochester, New York 14614

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:

Emmelyn Logan-Baldwin, Esquire
510 Powers Building
Rochester, New York 14614

Show number of this writ and total number of writs submitted, i.e., 1 of 1, 1 of 3, etc.: NO. 4 OF TOTAL 6

CHECK IF APPLICABLE:
☐ One copy for U. S. Attorney or designee and two copies for Attorney General of the U. S. included.

SHOW IN THE SPACE BELOW AND TO THE LEFT ANY SPECIAL INSTRUCTIONS OR OTHER INFORMATION PERTINENT TO SERVING THE WRIT DESCRIBED ABOVE.

SPECIAL INSTRUCTIONS:

Please serve the individual defendants above-noted at their respective business addresses. Service can be made on the governmental units above-noted by service personally on the president of the Monroe County Legislature, the Monroe County Clerk, the Monroe County attorney of the Treasurer of Monroe County.

NAME AND SIGNATURE OF ATTORNEY OR OTHER ORIGINATOR: [redacted] | TELEPHONE NUMBER: 716/232-3292 | DATE: 11/21/75

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

Show amount of deposit (*or applicable code*) and sign USM-285 for first writ only if more than one writ submitted.	DEPOSIT/CODE	DIST. OF ORIGIN	DISTRICT TO SERVE	LOCATION OF SUB-OFFICE OF DIST. TO SERVE
		55	55	Rochester, N. Y.

I acknowledge receipt for the total number of writs indicated and for the deposit (*if applicable*) shown.	SIGNATURE OF AUTHORIZED USMS DEPUTY OR CLERK	DATE
	[signature]	11/24/75

☑ I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in "REMARKS," the writ described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below.

☐ I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc., named above within this Judicial District.

NAME AND TITLE OF INDIVIDUAL SERVED (*If not shown above*) | ☐ A person of suitable age and discretion then abiding in the defendant's usual place of abode.

ADDRESS (*Complete only if different than shown above*) | FEE (*If applicable*): $.00 | MILEAGE: $

DATE(S) OF ENDEAVOR (*Use Remarks if necessary*)	DATE OF SERVICE	TIME	SIGNATURE OF U. S. MARSHAL OR DEPUTY
	11/24/75	10:50 AM PM	[signature]

REMARKS

U.S. MARSHALS SERVICE
INSTRUCTION AND PROCESS RECORD

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE U.S. MARSHAL" on the reverse of the last (*No. 5*) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

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PLAINTIFF: [redacted]vin Gill, et al

COURT NUMBER: 75-520

DEFENDANT: Monroe County Department of Social Services, et al

TYPE OF WRIT: Summons and Complaint

SERVE / AT

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN: Gabriel Russo, Director of Human Resources of Monroe County

ADDRESS (*Street or RFD, Apartment No., City, State and ZIP Code*): 111 Westfall Road, Rochester, New York 14620

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:

Emmelyn Logan-Baldwin, Esquire
510 Powers Building
Rochester, New York 14614

Show number of this writ and total number of writs submitted, i.e., 1 of 1, 1 of 3, etc. → NO. 6 OF TOTAL 6

CHECK IF APPLICABLE:

☐ One copy for U. S. Attorney or designee and two copies for Attorney General of the U. S. included.

SHOW IN THE SPACE BELOW AND TO THE LEFT ANY SPECIAL INSTRUCTIONS OR OTHER INFORMATION PERTINENT TO SERVING THE WRIT DESCRIBED ABOVE.

SPECIAL INSTRUCTIONS:

Please serve the individual defendants above-noted at their respective business addresses. Service can be made on the governmental units above-noted by service personally on the president of the Monroe County Legislature, the Monroe County Clerk, the Monroe County Attorney or the Treasurer of Monroe County.

NAME AND SIGNATURE OF ATTORNEY OR OTHER ORIGINATOR: [redacted] Logan-Baldwin

TELEPHONE NUMBER: 716/232-2292

DATE: 11/21/75

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

Show amount of deposit (*or applicable code*) and sign USM-285 for first writ only if more than one writ submitted. →	DEPOSIT/CODE	DIST. OF ORIGIN	DISTRICT TO SERVE	LOCATION OF SUB-OFFICE OF DIST. TO SERVE
		55	55	Rochester, N. Y.

I acknowledge receipt for the total number of writs indicated and for the deposit (*if applicable*) shown.	SIGNATURE OF AUTHORIZED USMS DEPUTY OR CLERK	DATE
	[signature]	11/24/75

☒ I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in "REMARKS," the writ described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below.

☐ I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc., named above within this Judicial District.

NAME AND TITLE OF INDIVIDUAL SERVED (*If not shown above*)

☐ A person of suitable age and discretion then abiding in the defendant's usual place of abode.

ADDRESS (*Complete only if different than shown above*)

FEE (*If applicable*)	MILEAGE
$3.00	$ .06

DATE(S) OF ENDEAVOR (*Use Remarks if necessary*)	DATE OF SERVICE	TIME	SIGNATURE OF U. S. MARSHAL OR DEPUTY
	11/28/75	12:00 AM/PM	[signature] Deputy

REMARKS

U.S. MARSHALS SERVICE
INSTRUCTION AND PROCESS RECORD

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE U.S. MARSHAL" on the reverse of the last (*No. 5*) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

13

PLAINTIFF
[redacted] Hill, et al

DEFENDANT
Monroe County Department of Social Services, et al

COURT NUMBER
75-520

TYPE OF WRIT
Summons & Complaint

SERVE
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
Monroe County

AT
ADDRESS (*Street or RFD, Apartment No., City, State and ZIP Code*)
Monroe County Office Building, Rochester, New York 14614

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:

Emmelyn Logan-Baldwin, Esquire
510 Powers Building
Rochester, New York 14614

Show number of this writ and total number of writs submitted, i.e., 1 of 1, 1 of 3, etc. → NO. 6 OF TOTAL 6

CHECK IF APPLICABLE:
☐ One copy for U. S. Attorney or designee and two copies for Attorney General of the U. S. included.

SHOW IN THE SPACE BELOW AND TO THE LEFT ANY SPECIAL INSTRUCTIONS OR OTHER INFORMATION PERTINENT TO SERVING THE WRIT DESCRIBED ABOVE.

SPECIAL INSTRUCTIONS:

Please serve the individual defendants above-noted at their respective business addresses. Service can be made on the governmental units above-noted by service personally on the president of the Monroe COunty Legislature, the Monroe County Clerk, the Monroe County Attorney or the Treasurer of Monroe County,

NAME AND SIGNATURE OF ATTORNEY OR OTHER ORIGINATOR
[redacted]

TELEPHONE NUMBER
716/232-2282

DATE
11/21/75

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

Show amount of deposit (*or applicable code*) and sign USM-285 for first writ only if more than one writ submitted. →

DEPOSIT/CODE	DIST. OF ORIGIN	DISTRICT TO SERVE	LOCATION OF SUB-OFFICE OF DIST. TO SERVE
	55	55	Rochester, N. Y.

I acknowledge receipt for the total number of writs indicated and for the deposit (*if applicable*) shown.

SIGNATURE OF AUTHORIZED USMS DEPUTY OR CLERK
D Mark

DATE
11/24/75

☑ I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in "REMARKS," the writ described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below.

☐ I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc., named above within this Judicial District.

NAME AND TITLE OF INDIVIDUAL SERVED (*If not shown above*)
William J. Stevens, County Attorney

☐ A person of suitable age and discretion then abiding in the defendant's usual place of abode.

ADDRESS (*Complete only if different than shown above*)

FEE (*If applicable*) $ .00

MILEAGE $ .00

DATE(S) OF ENDEAVOR (*Use Remarks if necessary*)	DATE OF SERVICE	TIME	SIGNATURE OF U. S. MARSHAL OR DEPUTY
	11/25/75	10:15 AM PM	[redacted]

REMARKS

USM-285 (Ed. 7-1-70)

3. NOTICE OF SERVICE

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEZ PAGE, DOROTHY DOBSON, PAVELLA FLOYD, INEX CHARLES, EVELYN FIARWELL, ALICE ZEALY, GEORGE HOLMES, ENOCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAN, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALEMA MATHEWS, ANNIE HICKS, HARRIET HEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES McDONALD, DAISY MAE BANKS, NICKELLE COURNOYER, LUZ MARTINEZ, MARIE MARE, ALBERTA FERGUSON, SADIE JOHNSON, individually and on behalf of all other persons similarly situated,

Plaintiffs

-against-

MONROE COUNTY SOCIAL SERVICES AND JAMES REED, DIRECTOR MONROE COUNTY CIVIL SERVICE COMMISSION, OFFICE OF CIVIL SERVICE AND PERSONNEL OF MONROE COUNTY, FRED LAPPLE, Executive Director, Office of Civil Service and Personnel of Monroe County, GABRIEL RUSSO, Director of Human Resources of Monroe County and MONROE COUNTY.

Defendants

ANSWER
AFFIRMATIVE
DEFENSE

MOTION TO DISMI
AND COUNTERCLAI

CIV 75 - 529

To the above named Plaintiffs: the above named defendants, Monroe County Department of Social Services and James Reed, Director of Monroe County Department of Social Services, through the office of Chief Counsel of the Monroe County Department of Social Services, Charles G. Finch, Chief Counsel as and for their answer hereby allege as follows:

BEST COPY AVAILABLE

1. That said defendants admit so much of the allegations contained in the paragraphs of the plaintiffs' complaint which state the names, race, employment, address citizenship, dates of employment allegations contained in paragraph which state that Monroe County Department of Social Services is a Department of Monroe County and a political subdivision of New York State and that James Reed is the Director of Monroe County Department of Social Services and is an employee of the County of Monroe.

2. That said defendants admit so much of the allegations contained in plaintiffs' complaint which state specific statutes of the United States Code, the Constitution of the United States and various amendments exist but deny that any of the above enumerated statutes of law have been violated actually or in effect by the defendants and further deny any implication of such violations by the defendants as well as their applicability in the instant cases.

3. That said defendants deny each and every allegation contained in the plaintiffs' complaint not heretofore specifically admitted.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

4. The Monroe County Department of Social Services and James Reed, Director of the Monroe County Department

of Social Services maintain an office at 111 Westfall Road, Rochester, New York 14620.

5. The above named defendants have at all times stated in Plaintiffs' complaint complied with all of the requisites, rules and laws of the State of New York of the United States and of the U. S. Constitution and further pursuant to those laws have purposefully applied and continue to apply a policy, practice, custom and usage consistent with those laws in all cases and specifically in the instances raised by the plaintiffs in this action.

6. Plaintiffs have failed to state a cause of action upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

7. Plaintiffs have neglected to join a party who is necessary for a just adjudication. Plaintiffs allege in their complaint that the Civil Service examinations are unjust and discriminatory and demand as relief that the defendants be prohibited from using employment criteria and tests which disqualify or disadvantage minorities but plaintiffs have not joined as a party the New York State Civil Service Commission nor any of its officers who, upon information and belief, are responsible for the development and grading of the Civil Service examination for such employment.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

8. Upon information and belief two of the enumerated plaintiffs are white citizens, two of the enumerated plaintiffs are Spanish surnamed citizens, one of the enumerated plaintiffs is of Indian heritage and the remainder are black citizens. This joinder of parties for purposes of a class action is improper. Questions of law and fact are not common as to all enumerated plaintiffs.

9. The factual statements set forth in plaintiffs' complaint allege individuals who by their own admission have refused to even take a Civil Service examination for positions which plaintiffs allege have been denied to them and/ or taking said examination has failed to pass them or failed as to basic qualifications and a minority of the plaintiffs who have taken and passed various examinations and evaluations and allegedly been denied promotions, which again shows the plaintiffs allegations to be inconsistent and fails to qualify as a "class" as defined by the United States Code.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

10. Plaintiffs have failed to allege notification or an attempt at notification to each and every member of the class described in their complaint.

11. Upon information and belief, all members of the class have not been individually notified nor has there been an attempt to notify the members of the class as described in plaintiff's complaint.

12. Upon information and belief all members of the designated class have a common employer, are located within the County of Monroe and their names and addresses may be ascertained through reasonable effort.

13. Plaintiffs failed to comply with the requirements for a class action. (FRCP 23 (c) (2) Morton Eisen, Etc. Vs. Carlisle and Jacquelin et al 417 US 1 56 (1974)

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

14. That the Plaintiffs Marie Fitzhugh, Robert Ziegler and Irving Gill, currently have an action pending before the New York State Division of Human Rights and are improperly joined in this class action, having elected to pursue and place the same defendants in jeopardy of their base and allege on the same alleged facts and circumstances which also makes them improperly joined as to this action then must, having opted their remedy, be dismissed as party plaintiffs to this action and barred from

maintaining any further action so long as the State proceedings still exist.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

15. That under 42 USC Section 1983 the defendants Monroe County Department of Social Services, Office of Civil Service and Personnel of Monroe County, Monroe County Civil Service Commission, and Monroe County are not amenable to suit as a person and this action as to said defendants should be dismissed.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

16. The allegations of plaintiffs' complaint failed to state any specific factual claim as to the individual defendants, James Reed, Fred Lapple and Gabriel Russo with the exception of Paragraph 79 of Plaintiffs' complaint which has heretofore been denied. This action must be dismissed as to these defendants for failure to state sufficient factual allegations which would allow 42 USC S 1983 to apply

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

17. The allegations of plaintiffs Coffman and Cournoyer fail to state a claim upon which relief may be granted.

The opportunity to associate with and be supervised by minority employees is not a protected right within the meaning of the Civil Rights Act as amended by the Equal Employment Opportunity Act of 1972, the Constitution of the United States, the First, Ninth and Fourteenth amendments to the United States Constitution.

AS AND FOR A COUNTERCLAIM ON BEHALF OF THE ABOVE NAMED DEFENDANTS

18. The above named defendants, Monroe County Department of Social Services and James Reed, Director of the Monroe County Department of Social Services, have been compelled by virtue of this same cause of action to expend monies and suffer various costs, inconveniences, disruption of their normal and usual operation, and injury to their reputations.

19. That the above losses are caused solely by the actions of the Plaintiffs in the proceeding, who have acted without any basis in law or fact.

20. The above named Plaintiffs, are therefore, liable to the defendants for all costs and injuries incurred.

WHEREFORE, Monroe County Department of Social Services and James Reed, Director of Monroe County Department o

Social Services respectfully move this court to dismiss this cause of action with prejudice on the basis of each and every affirmative defense and for compensation for costs, inconveniences, and injuries as alleged in its counterclaim, and for such further relief as to this court may seem just and proper.

Charles G. Finch

Charles G. Finch
Chief Counsel
Monroe County Department
of Social Services
111 Westfall Road
Rochester, New York 14620

(716) 442-4000 Extension 2285

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF NEW YORK

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEZ PAGE, DOROTHY DOBSON, RAVELLA FLOYD, INEZ CHARLES, EVELYN FAIRWELL, ALICE ZEALY, GEORGE HOLMES, ENOCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES McDONALD, DAISY MAE BANKS, MICHELLE COURNOYER, LUZ MARTINEZ, MARIE WARE, ALBERTA FERGUSON, SADIE JOHNSON, individually and on behalf of all other persons similarly situated,

Plaintiffs,

-vs-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, Director of Monroe County Department of Social Services, MONROE COUNTY CIVIL SERVICE COMMISSION OFFICE OF CIVIL SERVICE & PERSONNEL OF MONROE COUNTY, FRED LAPPLE, Executive Director, Office of Civil Service & Personnel of Monroe County, GABRIEL RUSSO, Director of Human Resources of Monroe County and MONROE COUNTY,

Defendants.

ANSWER, AFFIRMATIVE DEFENSE, COUNTERCLAIM AND MOTION TO DISMISS

Index No.
CIV-75-520

To the above named Plaintiffs:

The above named defendants, Monroe County Civil Service Commission, Office of Civil Service and Personnel of Monroe County, Fred Lapple, Executive Director, Office of Civil Service and Personnel of Monroe County, Gabriel Russo, Director of Human Resources of Monroe County and Monroe County, through the Monroe County Attorney's office, William J. Stevens, County Attorney, Joseph C. Pilato, of Counsel, as and for their Answer, hereby allege as follows:

1. Admits so much of the allegations contained in the paragraphs of the plaintiffs' complaint which state the names, race, employment, address, citizenship, dates of employ, and allegations contained in paragraph designated 40.

2. Admits so much of the allegations contained in plaintiffs' complaint which state specific statutes of the United States Code, the Constitution of the United States and various amendments exist but deny that any of the above enumerated statutes of law have been violated actually or in effect by the defendants and further deny any implication of such violations by the defendants as well as their applicability in the instant cases.

3. Denies each and every allegation contained in the plaintiffs' complaint not heretofore specifically admitted.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

4. The Monroe County Civil Service Commission, Office of Civil Service and Personnel of Monroe County, Fred Lapple, Executive Director, Office of Civil Service and Personnel of Monroe County, Gabriel Russo, Director of Human Resources of Monroe County and Monroe County, all above named, have at all times hereinafter named complied with all of the requisites, rules, regulations and laws of the State of New York, and of the United States and further pursuant to those laws have faithfully, fairly and accurately applied those laws in all cases and specifically to the instances raised by the plaintiffs in this action.

5. The above named defendants maintain an office at the County Office Building, 39 West Main Street, Rochester, New York 14614.

6. That plaintiffs have failed to state a cause of action upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

7. That the defendants repeat and reallege as if fully set forth each and every allegation contained in plaintiffs' complaint as admitted by defendants and further as designated in paragraphs "5" - "6" inclusive.

8. That the plaintiffs have no standing to institute this action.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

9. That the defendants repeat and reallege as if fully set forth each and every allegation contained in plaintiffs' complaint as admitted by defendants and further as designated in paragraphs "5" - "8" inclusive.

10. That upon information and belief three of the enumerated parties are white citizens, two of the above plaintiffs are Spanish surnamed citizens and the remainder are black citizens. That this joinder is improper and inconsistent with Title 28 and 48 of the United States Code enumerating the types and classes which qualify for attempted and defective class action and further the factual allegations as set forth in the plaintiffs' complaint allege a majority of the individuals who by their own admission have refused to even take Civil Service examination for positions which denial to them is complained of and/or taking said examination has failed to pass them or failed as to basic qualifications and a minority of the plaintiffs who have taken and passed various examinations and evaluations and allegedly been denied promotions, which again shows the plaintiffs to be inconsistent and failing to qualify as a "class" as defined by the United States Code.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

11. That the defendants repeat and reallege as if fully set forth each and every allegation contained in plaintiffs' complaint as admitted by defendants and further as designated in paragraphs "5" - "10" inclusive.

12. Plaintiffs have failed to allege notification or an attempt at notification to each and every member of the class described in their complaint.

13. Upon information and belief, all members of the class have not been individually notified nor has there been an attempt to notify the members of the class as described in plaintiffs' complaint.

14. Upon information and belief all members of the designated class have a common employer, are located within the County of Monroe and their names and addresses may be ascertained through reasonable effort.

15. Plaintiffs failed to comply with the requirements for a class action under Federal Civil Procedure Rule 23 (Eisen v. Carlisle and Jacqueline et al., 417 U.S. 156).

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

16. That the defendants repeat and reallege as if fully set forth each and every allegation contained in plaintiffs' complaint as admitted by defendants and further as designated in paragraphs "5" - "10" inclusive.

17. That the plaintiffs have failed in their complaint to allege any acts which would entitle them to the relief requested and in fact their cause of action is without base or merit.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

18. That the defendants repeat and reallege as if fully set forth each and every allegation contained in plaintiffs' complaint as admitted by defendants and further as designated in paragraphs "5" - "12" inclusive.

19. That the plaintiffs Marie Fitzhugh, Robert Zieglar and Irvin Gill currently have an action pending before the New York State Division of Human Rights and are improperly joined in this class action having elected to pursue and placed the same defendants in jeopardy of their base and allege on the same alleged facts and circumstances which also makes them improperly joined as to this action and they must, having opted their remedy, be dismissed as party plaintiffs to this action and from maintaining any future action so long as the State proceedings still exist.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

20. That the defendants repeat and reallege as if fully set forth each and every allegation contained in plaintiffs' complaint as admitted by defendants and further as designated in paragraphs "5" - "14" inclusive.

21. That upon information and belief the above entitled action has been commenced without the knowledge and consent of all the named plaintiffs. That based upon the aforesaid facts, this proceeding must be dismissed as to all parties and costs awarded to the defendants, and if any such action is again commenced, it should be on verified complaint by all party plaintiffs.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

22. That the defendants repeat and reallege as if fully set forth each and every allegation contained in plaintiffs' complaint as admitted by defendants and further as designated in paragraphs "5" - "16" inclusive.

23. That under 42 USC §1983 the defendants Monroe County Department of Social Services, Office of Civil Service and Personnel of Monroe County, Monroe County Civil Service Commission, and Monroe County are not "persons" within said statute and this action as its said defendants must be dismissed and as to the remaining individuals named as defendants in this action must also be dismissed for failure to state any factual allegation which would allow the above quoted statute to apply.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

24. That the defendants repeat and reallege as if fully set forth each and every allegation contained in plaintiffs' complaint as admitted by defendants and further as designated in paragraphs "5" - "18" inclusive.

25. That the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972 did not apply to the above named defendants until January 1, 1973 and as to any allegations of discrimination or failure to comply with the above enumerated statutes, such causes of action depending upon factual allegations prior to that date must be dismissed.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

26. That the defendants repeat and reallege as if fully set forth each and every allegation contained in plaintiffs' complaint as admitted by defendants and further as designated in paragraphs "5" - "20" inclusive.

27. That the plaintiffs failed to state a cause of action.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

28. That the defendants repeat and reallege as if fully set forth each and every allegation contained in plaintiffs' complaint as admitted by defendants and further as designated in paragraphs "5" - "22" inclusive.

29. That the plaintiffs are barred from maintaining this action by their failure to object to any of the alleged acts complained of and their failure to take appropriate action prior to this proceeding and their failure to state legitimate Federal questions.

AS AND FOR A COUNTERCLAIM
ON BEHALF OF THE ABOVE
NAMED DEFENDANTS

30. The above named defendants, Monroe County Civil Service Commission, had been compelled by virtue of this same cause of action to expend monies and suffer various costs, inconveniences and disruption of their normal and usual operation.

31. That the above losses are caused solely by the actions of the plaintiffs in the proceeding, who have acted without any basis in law or fact.

32. The above named plaintiffs are therefore liable to the defendants for all costs and injuries incurred.

WHEREFORE, Monroe County Civil Service Commission, Office of Civil Service and Personnel of Monroe County, Fred Lapple, Executive Director, Office of Civil Service and Personnel of Monroe County, Gabriel Russo, Director of Human Resources of Monroe County and Monroe County, respectfully move this Court to dismiss this cause of action with prejudice and for compensation for losses as alleged in its counterclaim, and for such further relief as to this Court may seem just and proper.

WILLIAM J. STEVENS
Monroe County Attorney
JOSEPH C. PILATO, of Counsel
Office & P. O. Address
307 County Office Building
Rochester, New York 14614
Telephone: (716) 428-5180

STATE OF NEW YORK)
COUNTY OF MONROE) SS.
CITY OF ROCHESTER)

WILLIAM J. STEVENS, being duly sworn, deposes and says: that he is Attorney for the County of Monroe, the corporation named in the foregoing papers; that he has read the foregoing Answer, Affirmative Defense, Counterclaim and Motion to Dismiss and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

Deponent further says that the reason this verification is made by deponent, and not by the said County of Monroe, is the said County of Monroe is a corporation, and he is an officer thereof.

Sworn to before me this
16th day of December, 1975.

Joseph C. Pilato

JOSEPH C. PILATO
Notary Public
Qualified in Monroe County
My Commission Expires 3-30-77

William J. Stevens

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

154

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEZ PAGE, DOROTHY DOBSON, RAVELLA FLOYD, INEZ CHARLES, EVELYN FAIRWELL, ALICE ZEALY GEORGE HOLMES, ENOCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES McDONALD, DAISY MAE BANKS, MICHELLE COURNOYER, LUZ MARTINEZ, MARIE WARE, ALBERTA FERGUSON, SADIE JOHNSON, individually and on behalf of all other persons similarly situated

Plaintiffs

-against-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, Director of Monroe County Department of Social Services, MONROE COUNTY CIVIL SERVICE COMMISSION, OFFICE OV CIVIL SERVICE & PERSONNEL OF MONROE COUNTY, FRED LAPPLE, Executive Director, Office of Civil Service & Personnel of Monroe County, GABRIEL RUSSO, Director of Human Resources of Monroe County and MONROE COUNTY

Defendants

REPLY

Index No. CIV-75
520

REPLY OF PLAINTIFFS TO COUNTERCLAIM OF DEFENDANTS, MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES AND JAMES REED, DIRECTOR OF MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES FOR LOSSES OF EXPENDITURE OF MONEYS AND COSTS, INCONVENIENCES, DISRUPTION OF OPERATIONS AND INJURY TO REPUTATION.

1. Plaintiffs allege that they are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 18 of the counterclaim.

2. Plaintiffs deny the allegations of Paragraphs 19 and 20 of the counterclaim.

FIRST AFFIRMATIVE DEFENSE

3. The counterlaim fails to state a claim against Plaintiffs upon which relief can be granted.

WHEREFORE, Plaintiffs request that the court dismiss this counterclaim of the Defendants Monroe County Department of Social Services and James Reed, Director of Monroe County Department of Social Services, grant the Plaintiffs their attorney fees, costs and disbursements in defending this claim and grant such other and further relief as to the court may seem just and proper.

EMMELYN LOGAN-BALDWIN, ESQ.
Attorney for Plaintiffs
510 Powers Building
Rochester, New York 14614
Telephone: 716-232-2292

DATED: December 17, 1975

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Reply was served on the defendants herein by my causing a copy of the same to be mailed to attorneys for the defendants, Joseph Pilato, Esq., Assistant Monroe County Attorney, Monroe County Office Building, Main Street West, Rochester, New York and Charles G. Finch, Esq., Chief Social Services Counsel, Monroe County Social Services Department, 111 Westfall Road, Rochester, New York 14620, this 29th day of December 1975.

Emmelyn Logan-Baldwin
Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

157

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEZ PAGE, DOROTHY DOBSON, RAVELLA FLOYD, INEZ CHARLES, EVELYN FAIRWELL, ALICE ZEALY, GEORGE HOLMES, ENOCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES McDONALD, DAISY MAE BANKS, MICHELLE COURNOYER, LUZ MARTINEZ, MARIE WARE, ALBERTA FERGUSON, SADIE JOHNSON, individually and on behalf of all other persons similarly situated

Plaintiffs,

-against-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, Director of Monroe County Department of Social Services, MONROE COUNTY CIVIL SERVICE COMMISSION, OFFICE OF CIVIL SERVICE & PERSONNEL OF MONROE COUNTY, FRED LAPPLE, Executive Director, Office of Civil Service & Personnel of Monroe County, GABRIEL RUSSO, Director of Human Resources of Monroe County and MONROE COUNTY

Defendants

REPLY

Index No. CIV-75-520

REPLY OF PLAINTIFFS TO COUNTERCLAIM OF DEFENDANTS, MONROE COUNTY CIVIL SERVICE COMMISSION, OFFICE OF CIVIL SERVICE OF MONROE COUNTY, FRED LAPPLE, EXECUTIVE DIRECTOR, OFFICE OF CIVIL SERVICE AND PERSONNEL OF MONROE COUNTY, GABRIEL RUSSO, DIRECTOR OF HUMAN RESOURCES OF MONROE COUNTY AND MONROE COUNTY FOR COMPENSATION FOR LOSSES FROM THE EXPENDITURE OF MONEYS AND COSTS, INCONVENIENCES AND DISRUPTION OF OPERATIONS.

1. Plaintiffs allege that they are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 30 of

the counterclaim.

2. Plaintiffs deny the allegations of Paragraphs 31 and 32 of the counterclaim.

FIRST AFFIRMATIVE DEFENSE

3. The counterclaim fails to state a claim against plaintiffs upon which relief can be granted.

WHEREFORE, Plaintiffs request that the court dismiss the counterclaim of the Defendants Monroe County Civil Service Commission, Office of Civil Service and Personnel of Monroe County, Fred Lapple, Executive Director, Office of Civil Service and Personnel of Monroe County, Gabriel Russo, Director of Human Resources of Monroe County and Monroe County, grant the Plaintiffs their attorney fees, costs and disbursements in defending this claim and grant such other and further relief as to the court may seem just and proper.

EMMELYN LOGAN-BALDWIN, ESQ.
Attorney for Plaintiffs
510 Powers Building
Rochester, New York 14614
Telephone: 716-232-2292

DATED: December 17, 1975

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Reply was served on the defendants herein by my causing a copy of the same to be mailed to attorneys for the defendants, Joseph Pilato, Esq., Assistant Monroe County Attorney, Monroe County Office Building, Main Street West, Rochester, New York and Charles G. Finch, Esq., Chief Social Services Counsel, Monroe County Social Services Department, 111 Westfall Road, Rochester, New York 14620, this 29th day of December 1975.

Emmelyn Logan-Baldwin
Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

160

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEZ PAGE, DOROTHY DOBSON, RAVELLA FLOYD, INEZ CHARLES, EVELYN FAIRWELL, ALICE ZEALY, GEORGE HOLMES, ENOCH MORRISON, RUDY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES MCDONALD, DAISY MAE BANKS, MICHELLE COURNOYER, LUZ MARTINEZ, MARIE WARE, ALBERTA FERGUSON, SADIE JOHNSON, individually and on behalf of all other persons similarly situated,

Plaintiffs,

-against-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, Director of Monroe County Department of Social Services, MONROE COUNTY CIVIL SERVICE COMMISSION, OFFICE OF CIVIL SERVICE & PERSONNEL OF MONROE COUNTY, FRED LAPPLE, Executive Director, Office of Civil Service & Personnel of Monroe County, GABRIEL RUSSO, Director of Human Resources of Monroe County and MONROE COUNTY,

Defendants.

NOTICE TO PRODUCE

CIVIL ACTION
NO 75-520

Pursuant to the Federal Rule of Civil Procedure 34(b) the defendants are required to produce for copying and inspection at the offices of Emmelyn Logan-Baldwin, Esq., Attorney for Plaintiffs, 510 Powers Building, Rochester, New York 14614 on February 4, 5 and 6, 1976 between the hours of between the hours of 9:15 a.m. and 12:00 noon and 1:15 p.m. and 5:00 p.m. on each day the following documents:

(1) The personnel records, including employment applications, indicating of race, sex, national origin, educational background, work experience, attendance records,

evaluations, commendations, criticisms, salary experience, results on all examinations administered by defendants, advancement experience, requests for transfer and/or promotion, educational opportunities provided by defendants, provisional appointments granted by defendants, or like documents of any nature whatsoever of the following:

(1) Each of the 36 named members of the class herein, plaintiffs in this action.

(2) Mary Elizabeth Newman

(3) Earl Brown

(4) Lois Peckens

(5) Alan Zuefelt

(6) Helen O'Neill

(7) Andrea Myers

(8) William Carreo

(9) Noel Marianetti

(10) Shirley Harvey

(11) John Farie

(12) Donald Shulman

(13) Elizabeth Petty

(14) John Rosati

(15) Larry Okley

(16) Thomas Kirpatrick

(17) James Höffen

(18) Raymond Becker

(19) William Gascoigne

(20) James Hays

(21) Dorothea Gage

(22) Darlene Dhalle Muhs (Robinson)

(23) Larry Greenlee

(24) Barbara Gorton

(25) Ellen Gould

(26) Barbara Sheehy

(27) Kay Farrell

(28) Sandy Rubin

(29) Bob Meteor

(30) Beatrice Montgomery

(31) Michael Serve

(32) B. Vogel

(33) P. LoZuzzo

(34) Morton Levy

(35) Burton Richardson

(36) E. Davis

(37) E. Infarinato

(38) Bayla Weinstein

(39) M. Ruggiero

(40) Gloria Forgione

(41) A. Bolognesi

(42) R. Otterbein

(43) Marietta Lombardo

(44) R. Harrison

(45) James Lanning

(46) Arnold Gissin

(47) Carl Feinstock

(48) Michael Chervenic

(49) Susan VanStrydonck

(50) Paul Schmidt

(51) Armendo Paras

(52) John Teeple

(53) Joe DiFabio

(54) Norman Caccamise

(55) Merritt Diamond

(56) Joseph Lusk

(57) Janice Reif

(58) Eloise Runion

(59) Lawrence Tranello

(60) Marty Fallon

(61) Terence Brennan

(62) Mary Ellen Budinski

(63) Margery Ellzey

(64) Alberta Hotchkiss

(65) Richard Kassel

(66) Gary Dean

(67) Louise DeLaus

(68) Jeff Burdick

(69) Nancy O'Neill

(70) Edward Phenninger

(71) Hilda Giambra

(72) Mary Lou Miller

(73) Mary Farren

(74) Jack Carreo

(75) Paul Caccamise

(76) Charles Haasis

(77) Cindy Lewis

(78) Jacqueline Pinch

(79) James Anderson

(80) Leo Bosner

(81) Jack Rosati

(82) Joan Edmonds

2. The document and/or documents constituting the affirmative action plan or plans of the County of Monroe and any mini affirmative action plan of the Monroe County Department of Social Services and any documents and/or documents of like nature or description whatsoever, including, without intending to limit, all supporting documents for each plan, all amendments to each plan, all revisions of each plan and all background materials for each plan, whether such background materials be considered as primary or secondary, from 1965 to date.

3. All writings of any nature whatsoever which interpret, revise or supplement each affirmative action plan of the County of Monroe and any separate plan of the Monroe County Department of Social Services and any like document of any nature whatsoever, from 1965 to date.

4. All writings of any nature whatsoever which comment formally or informally upon the effects, ramifications and/or projected results of any affirmative action plan of Monroe County and any mini plan or separate plan of the Monroe County Department of Social Services and any other writing of like nature or description whatsoever, from 1965 to date.

5. All writings of any nature whatsoever constituting compliance reviews or audits or findings or recommendations of compliance reviews or audits of employment practices of Monroe County or the Monroe County Department of Social Services, whether those reviews be described as regular, special or pre-award, conducted by any government agency, whether federal or state, and including, without limitation, all writings

furnished to a government agency or writings from a government agency in connection with compliance reviews and/or audits and any writing of any like nature whatsoever, from 1965 to date.

6. All writings of any nature whatsoever which comment formally or informally, officially or unofficially, on areas or points of compliance or non-compliance relating to the affirmative action plans of Monroe County or Monroe County Department of Social Services or any document of like nature or description whatsoever, from 1965 to date.

7. All writings, including without limitation, EEO-1 forms, of any nature whatsoever (a) requested by and (b) supplied to any federal or state government agency to enable the agency to reach its determination as to compliance or non-compliance with the affirmative action plans of Monroe County or the Monroe County Department of Social Services or any like document of any nature whatsoever, from 1965 to date.

8. All writings of any nature whatsoever, including, without limitation, informal and unofficial comments or recommendations of members of investigating teams of any federal or state government agency relating in any way to the organization, structure, or content of the affirmative action plans of Monroe County or the Monroe County Department of Social Services and any document of any like nature or description whatsoever, from 1965 to date.

9. The document and/or documents of the respondents showing the name, race, sex, date of hire, classification, pay-rate, salary experience, advancement experience, prior experience, educational background and length of service for all employees of the Monroe County Department of Social Services from 1965 to date.

10. All writings showing the pay scales, job descriptions, method of appointment and criteria for appointment for all positions in the Monroe County Department of Social Services from 1965 to date.

11. The document and/or documents of the defendants showing the name, race, sex, date of hire, classification, pay-rate, salary experience, advancement experience, prior experience, educational background and length of service for all employees of the Monroe County Department of Social Services who have received merit increases in pay from 1965 to date.

12. The flow-charts on employees of the Monroe County Department of Social Services from 1965 to date.

13. The document and/or documents of the Monroe County Department of Social Services containing all policies on employee salaries, including, without intending to limit, the policy of paying employees a higher salary for having graduate education from 1965 to date.

14. The document and/or documents constituting the written tests for positions in the Monroe County Department of Social Services from 1965 to date.

15. The document and/or documents of the Monroe County Department of Social Services showing the name, race, sex, date of hire, classification, pay-rate, salary experience, advancement experience, prior experience, educational background and length of service for all employees of the Monroe County Social Services Department and/or applicants for employment with the Monroe County Social Services Department who received provisional appointments to positions in the Monroe County Department of Social Services from 1965 to date.

16. The document and/or documents constituting any study, evaluation and/or review or any document of like nature or description of the Monroe County Department of Social Services from 1965 to date, including, without intending to limit, any study undertaken as a result of the December 1972-December 1973 affirmative action program of the County of Monroe and the Barrington Study of the Monroe County Department of Social Services (Industrial Management Council study) conducted approximately 1972.

17. All reports of the Office of Civil Service - Personnel and Human Relations Committee to the Monroe County Manager re the operation of the Monroe County affirmative action plan or any document of like nature whatsoever, from 1965 to date.

18. All writings, including without limitation, reports, or any document of like nature or description whatsoever from Monroe County Department heads to the Monroe County Affirmative Action Council from 1965 to date.

19. With respect to the County of Monroe December 31, 1972 - December 31, 1973 Affirmative Action Plan, subsection III Recruitment Activities, all writings demonstrating implementation of those provisions including, without intending to limit, all writings showing contact with minority or womens groups regarding recruitment of personnel for Monroe County positions, all writings listing cooperation between Monroe County and community action agencies in regard to filling Monroe County vacancies with trainees, the separate file kept by Monroe County on minority and womens applications for Monroe County jobs

20. In regard to Monroe County Affirmative Action Plan December 31, 1972-December 31, 1973, subsection IV Full Utilization of Abilities, all documents demonstrating implementation of the provisions, including, without intending to limit, the Civil Service Personnel field survey, the record of placing employees with under-utilized skills in job vacancies, the record of elimination of all irrelevant qualifications from each job title, the record of creation of trainee positions and the record of validation of all tests both written and oral from December 1972 to date.

21. With respect to the Monroe County Affirmative Action Plan December 31, 1972-December 31, 1973, subsection V Job Structuring and Upward Mobility, all writings of any nature whatsoever relating to implementation of those provisions, including, without intending to limit, the training survey of Monroe County Personnel undertaken by the University of Rochester School of Management under Dean Koch and Bernard Bass, all in service training programs of the Monroe County Department of Social Services, all career counseling and guidance programs of the Monroe County Department of Social Services, from December 1972 to date.

22. In regard to the Monroe County Affirmative Action Plan December 31, 1972-December 31, 1973, subsection VI Complaints of Discrimination the record indicating name of complainant and disposition of complaint from December 1972 to date.

23. With respect to the Monroe County Affirmative Action Plan December 31, 1972-December 31, 1973, subsection VII Internal Program Evaluation, all documents showing implementation

of those provisions, including, without intending to limit, all criteria established by the Equal Employment Opportunity Officer relating to evaluation of affirmative action plans, all semi-annual reports of the Equal Employment Opportunity Officer to the Monroe County Manager showing Monroe County's progress on affirmative action, all analyses of flow of minorities through the selection and testing process in order to discover potential sources of discrimination, from December 1972 to date.

24. In regard to the Monroe County Affirmative Action Plan December 31, 1972-December 31, 1973, subsection VIII Training and Education of the Equal Employment Opportunity Staff, all documents showing implementation of those provisions, including, without intending to limit the record of staff attendance at seminars and lectures to improve and implement the affirmative action plan, the training of department heads in human relations, knowledge of different cultures, conflicts caused by socio-economic differences, from December 1972 to date.

25. In regard to the 1974 Affirmative Action Plan of the Monroe County Department of Social Services:

(a) All writings regarding the review of all job titles and assessment of minority representation on the staff.

(b) All writings regarding the active seeking and recruiting of qualified minorities for vacancies.

(c) All written information to new and on-staff employees regarding promotion opportunities within their titles and related lateral opportunities, identifying qualifications, skills, and process for seeking promotions.

(d) All writings regarding continuation of posting of possible vacancies and lateral openings.

(e) All writings relating to the review of job calssifications and requirements and the recommendations to the Civil Service Commission.

(f) All writings relating to employment and career counseling.

(g) All writings regarding the institution of and work of the Affirmative Action Review Committee.

(h) All writings regarding the two affirmative action workshops.

(i) All writings regarding in-service and specialized training programs.

(j) All writings relating to the review of union contracts to assure no actual or inherent discrimination.

(k) All writings of the Deputy Director of Human Relations to:

(1) Review minority staffing patterns in the Social Services Department and advise the Director of staff needs for minorities and women.

(2) Review of department personnel policies, procedures and recommended changes to assure equal employment opportunities.

(3) Provide information, consultation and technical assistance to the Director and all management staff on affirmative action.

(4) Select and direct activities of the Affirmative Action Review Committee.

(5) Expand and establish new recruitment resources for qualified minorities and women.

(6) Review possible discriminatory practices and discrimination in the Department and advise Director and

26. With respect to the Monroe County Affirmative Action Plan Revised July 1, 1974, subsections IV Communication of Affirmative Action, V A,B,C,D,E and F, Recruitment, Selection, Classification and Job Restructuring, Training, Complaints of Discrimination and Contract Compliance, all writings of any nature whatsoever implementing those provisions from July 1, 1974 to date.

27. With respect to the Monroe County Affirmative Action Plan Revised July 1, 1974, subsection VI and VII, Departmental Affirmative Action Plans and Evaluation and Review, all writings showing implementation of those provisions, including, without intending to limit, the semi-annual review of employment data by the affirmative action coordinator and the quarterly reports of the affirmative action coordinator to the County Manager on problems and progress in the development of affirmative action programs, from July 1, 1974 to date.

28. In regard to the Monroe County Department of Social Services Affirmative Action Plan - 1975, the Department's central affirmative action file, the Department's file on all minority applicants, and all writings of any nature whatsoever implementing Sections I - III, V- VIII of the plan from January 1, 1975 to date.

29. The training survey for Monroe County developed by ECon Associates.

30. All writings, studies, reports or documents of like nature or description of the Monroe County Affirmative Action Advisory Council, from 1965 to date.

31. All writings from the Monroe County Department of Social Services to the Monroe County Department of Social Services Minority Recruitment Committee or all writings from the Monroe County Department of Social Services Minority Recruitment Committee to the Monroe County Department of Social Services from 1965 to date.

32. Organization charts of the Monroe County Department of Social Services from 1965 to date.

33. The job evaluation study of the Monroe County Department of Social Services, approximate date June 1972.

34. The report on employment of women and minorities by Monroe County and/or Monroe County Department of Social Services filed with the Equal Employment Opportunity Commission approximately October 1973.

35. Monroe County Budget book for each of the years 1965 to date.

36. All writings relating to the applications for employment with Monroe County Department of Social Services, including, without intending to limit, the writings reflecting action of the Monroe County Department of Social Services in evaluating and/or acting upon the applications of: Beatrice Hill, Patricia Walker, Hilda Rosario, Pablo Rivera, Carol Gilbert, Dolores Frazer, from 1965 to date.

37. The document and/or documents of the Monroe County Social Services Department showing the name, race, sex, date of hire, classification, pay-rate, salary experience, advancement experience, prior experience, educational background and length of service for all employees of the Monroe County

Department of Social Services who have represented the Department at conferences and meetings outside the Department from 1965 to date.

38. The memorandum and/or writing from James Reed, Director of Monroe County Department of Social Services or other employee of Monroe County Social Services stating that employees of the Department who would talk with the news media in connection with discrimination complaints filed with the Equal Employment Opportunity Commission would put their jobs in jeopardy or any like writing or memorandum of any nature whatsoever, from 1965 to date.

39. Memoranda of Irvin A. Gill to the Monroe County Department of Social Services relating to discrimination in the Department, approximate dates, January 18, 1965 and June 23, 1972.

40. All writings relating to Irvin A. Gill's attendance at graduate school at the University of Buffalo, 1964 and 1965, including without intending to limit, all documents or writings, commenting upon the appropriateness of such attendance, his qualifications for such attendance and the expectation of benefit from such attendance.

41. All writings of Irvin A. Gill to the Monroe County Department of Social Services or other Monroe County agency regarding employment discrimination and all responses from any Monroe County agency to those complaints from 1965 to date.

42. The exams which Irvin A. Gill, Earl Brown, Helen O'Neill and Lois Peckens took in 1971 for general case supervisor of the Monroe County Department of Social Services,

together with any score sheets, grading sheets, test results and rankings.

43. All writings of any nature whatsoever including without limitation, any notes on the interviews of Irvin A. Gill, Helen O'Neill and Lois Peckens and/or conversations with either of the three relating to the appointment of a general case supervisor in 1971, from 1971 to date.

44. All writings of any nature whatsoever in connection with a meeting of James Reed, Irvin A. Gill and others on August 15, 1973, including, without intending to limit, all writings relating to the complaint of Ravella Floyd, then under discussion, and/or the discussion between Mr. Reed and Mr. Gill and/or others regarding employment opportunities for Mr. Gill and/or minorities in general in the Monroe County Department of Social Services, from August 15, 1973 to date.

45. All writings of any nature whatsoever relating to Irvin A. Gill's request of the Monore County Department of Social Services or any other Monroe County agency for advancement opportunities, together with all responses to such request, from 1965 to date.

46. All writings of any nature whatsoever regarding the request of Irvin A. Gill for a leave of absence from the Monroe County Department of Social Services in the spring of 1975 including any communication from Irvin A. Gill to any Monroe County agency and any reply of any Monroe County Agency to such communication, from January 1975 to date.

47. All writings reflecting special assignments for Robert M. Zieglar as a case worker of the Monroe County Department of Social Services from 1963 through 1968.

48. All writings of commendation of the work of Robert M. Zieglar from 1963 to date, whether from Monroe County Social Services personnel, Monroe County personnel and/or any outside agency.

49. All writings of commendation of the work of Irvin A. Gill from 1959 to date, whether from Monroe County Social Services personnel, Monroe County personnel and/or any outside agency.

50. The document and/or documents showing the establishment of the WIN program including staffing, budget and any changes thereto from 1968 to date.

51. All writings relating to the employment of Robert M. Zieglar as the Coordinator of the WIN program in 1968, including, without intending to limit, writings to or from William B. Woods relating to the appointment of Robert M. Zieglar from 1965 to date.

52. All writings relating to the demotion of Robert M. Zieglar from Coordinator of the WIN program to senior case worker in December of 1971, from December 1971 to date.

53. All writings showing the pay, classification, job title and job duties of Robert M. Zieglar from December 1971 to date including, without intending to limit, all writings relating to his designation as a "worker" in the WIN program, his designation as an "assistant team manager" in the WIN program, from December 1971 to date.

54. The job description, job classification, pay scale and employment criteria, including, tests, written or oral, for all positions in the WIN program in the Monroe County Department of Social Services, from 1968 to date.

55. All writings of any nature whatsoever in connection with the appointment of Morton Levy as Coordinator of the WIN program in 1972, the designation of Robert M. Zieglar as his "assistant" and Levy's subsequent removal from this position, from January 1972 to date.

56. The memorandum of Robert M. Zieglar to the Monroe County Department of Social Services dated approximately September 21, 1972 and any response thereto and/or written comment thereon of any nature whatsoever, from September 1972 to date.

57. All writings in connection with the appointment of Alberta Hotchkiss as Coordinator of the WIN program in 1973, from January 1973 to date, including, without intending to limit, all documents on communicating the job opening to other employees and the process of evaluating Alberta Hotchkiss' qualifications for the position.

58. All documents of any nature whatsoever in regard to the evaluation of Robert M. Zieglar by Alberta Hotchkiss in 1973 and all documents relating to all subsequent evaluations, including, without intending to limit, all documents in connection with Robert M. Zieglar's complaint about those reviews and the consideration by the Monroe County Social Services Department of those complaints from January 1973 to date.

59. All writings constituting evaluation criteria used by the defendants in evaluating the employees of the Monroe County Department of Social Services from 1965 to date.

60. All writings reflecting reorganization of the Monroe County Department of Social Services from 1971 to date.

61. All documents relating to the New Careers Program of Monroe County, from 1968 to date, including, without intending to limit, the establishment of the program, the funding of the program, the staffing of the program, the enrollment in the program, the purpose of the program and the effectiveness of the program.

62. All writings of any nature whatsoever indicating the policy of defendants in determining how and to whom provisional appointments are made, from 1965 to date.

63. All writings of any nature whatsoever indicating the policy of defendants in determining how and to whom and how often merit increases in pay are given, from 1965 to date.

64. All writings of any nature whatsoever indicating the policy of defendants in providing bilingual positions for Spanish-surnamed employees, from 1965 to date.

65. All writings of any nature whatsoever indicating the policy of defendants in providing guidance and/or training to employees in preparation for Civil Service examinations, from 1965 to date.

66. All documents or writings of any nature whatsoever in regard to validation studies of defendants' Civil Service examinations undertaken by or on behalf of defendants from 1965 to date.

67. All documents or writings of any nature whatsoever in regard to validation studies of educational criteria, "time in service" criteria, or any other job criteria for each position at the Monroe County Department of Social Services, undertaken by or on behalf of defendants from 1965 to date.

68. All writings of any nature whatsoever indicating on what date each Civil Service examination for each position at the Monroe County Department of Social Services was given; the title of the examination; the persons or organization who prepared the examination; the names, addresses, race, sex and social security numbers of all who took each examination with indicating whether they passed or failed; and eligibility lists resulting from each examination, from 1965 to date.

69. All writings of any nature whatsoever indicating whether seniority points, or any other sort of additional points are given on scoring Civil Service examinations, and the manner in which the cut off pass/fail score of each examination is determined, from 1965 to date.

70. All writings of any nature whatsoever indicating residency requirements and/or waiver thereof as a prerequisite for taking defendants' Civil Service examination, from 1965 to date.

71. All writings or reports of any nature whatsoever made to determine if a higher proportion of minority persons, relative to non-minority persons, have failed the written Civil Service examinations of defendants, from 1965 to date.

72. All writings of any nature whatsoever indicating the policy/custom of defendants, from 1965 to date, in regard to the length of time an employee can remain in a provisional position in each job classification at the Monroe County Department of Social Services without passing a Civil Service examination for the position.

73. All writings of any nature whatsoever indicating the average length of time employees of defendants remain

in each job classification before promotion.

74. All writings of any nature whatsoever indicating the names of a (a) minority employees (b) and women with supervisory responsibilities and/or supervisory job titles in each supervisory position at the Monroe County Department of Social Services each year from 1965 to date.

75. All writings of any nature whatsoever indicating the names of (a) minority employees and(b) women with administrative responsibilities in each job classification at the Monroe County Department of Social Services which is not filled through appointment from Civil Service eligibility lists, each year from 1965 to date.

76. All writings of any nature whatsoever indicating the total number of case aides employed by defendants, the total number of case aides who are minorities, the total number of case aides promoted by defendants, the names, sex and race of those case aides promoted by defendants, each year from 1965 to date.

77. All writings of any nature whatsoever indicating the total number of homemakers employed by defendants, the total number of homemakers who are minorities, the total number of homemakers promoted by defendants, the names, sex and race of those homemakers promoted by defendants, each year from 1965 to date.

78. All writings of any nature whatsoever indicating the total number of caseworkers employed by defendant, the total number of caseworkers who are minorities, the total number of caseworkers promoted by defendants, the names, sex and race of those caseworkers promoted by defendants, each year from 1965 to date.

79. All writings of any nature whatsoever indicating the total number of senior caseworkers employed by defendants, the total number of senior caseworkers who are minorities, the total number of senior caseworkers promoted by defendants, the names, sex and race of those senior caseworkers promoted by defendants, each year from 1965 to date.

80. All writings of any nature whatsoever indicating the total number of examiners employed by defendants, the total number of examiners who are minorities, the total number of examiners promoted by defendants, the names, sex and race of those examiners promoted by defendants, each year from 1965 to date.

81. All writings of any nature whatsoever indicating the names, sex and race of those employees who are no longer eligible to receive incremental annual salary raises unless they are promoted to another job classification, 1965 to date.

82. All writings of any nature whatsoever in regard to whether there has ever been any sort of a "freeze" on incremental annual salary raises for any position at the Monroe County Department of Social Services from 1965 to date.

83. All writings of any nature whatsoever in regard to defendants' policy of providing educational leave with and/or without pay to the employees 1965 to date.

84. All writings of any nature whatsoever in regard to defendants' policy of granting leave of absence to their employees from 1965 to date.

85. All writings of any nature whatsoever indicating the name, sex, race, date of hire, classification, pay rate, salary experience, advancement experience, prior experience, educational background and length of service for all employees of the Monroe County Department of Social Services who received educational leave with pay each year from 1965 to date.

86. All writings of any nature whatsoever indicating the name, sex, race, date of hire, classification, pay rate, salary experience, advancement experience, prior experience, educational background and length of service for all employees of the Monroe County Department of Social Services who received educational leave without pay each year from 1965 to date.

87. All writings of any nature whatsoever indicating defendants' policy or practice in regard to how assignments for employees to particular geographical offices are made, from 1965 to date.

88. All writings of any nature whatsoever indicating how many of defendants' minority caseworkers are presently assigned to carry inner-city caseloads and how many are presently assigned to carry suburban caseloads.

89. All writings of any nature whatsoever indicating the present average size caseload for a caseworker at the Monroe County Department of Social Services.

90. A copy of the July 19, 1975 issue of Brass Tacks.

91. All writings in regard to the policy or practice of defendants in hiring, placing, transferring, and promoting employees who do not have college educations.

Emmelyn Logan-Baldwin
Attorney for Plaintiffs
510 Powers Building
Rochester, New York 14614
Telephone: 716-232-2292

December 30, 1975

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice to Produce was served on the defendants by my causing a copy thereof to be mailed to attorneys for the defendants, Joseph Pilato, Esq., Assistant Monroe County Attorney, Monroe County Office Building, Rochester, New York 14614, and Charles Finch, Esq., Senior Attorney, Monroe County Department of Social Services, 111 Westfall Road, Rochester, New York 14620, this 31st day of December 1975.

Emmelyn Logan-Baldwin
Attorney for Plaintiffs
Office and P.O. Address:
510 Powers Building
Rochester, New York 14614

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEX PAGE, DOROTHY DOBSON, RAVELLA FLOYD, INEX CHARLES, EVELYN FAIRWELL, ALICE ZEALY, GEORGE HOLMES, ENOCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES McDONALD, DAISY MAE BANKS, MICHELLE COURNOYER, LUZ MARTINEZ, MARIE WARE, ALBERTA FERGUSON, SADIE JOHNSON, individually and on behalf of all other persons similarly situated Plaintiffs -against- MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, Director of Monroe County Department of Social Services, MONROE COUNTY CIVIL SERVICE COMMISSION, OFFICE OF CIVIL SERVICE & PERSONNEL OF MONROE COUNTY, FRED LAPPLE, Executive Director, Office of Civil Service & Personnel of Monroe County, GABRIEL RUSSO, Director of Human Resources of Monroe County and MONROE COUNTY Defendants	FIRST INTERROGATORIES PROPOUNDED BY PLAINTIFFS Civil Action No. 75-520

Plaintiffs request that defendants, by an officer or agent competent to testify concerning the facts about which inquiry is made, answer under oath, in accordance with Rule 33 of the Federal Rules of Civil Procedure, the following Interrogatories. The information requested in each Interrogatory is to be answered separately as to each year from 1965 to the present unless otherwise indicated. In lieu of identifying particular documents, such documents may, at your option, be attached to the answers to these Interrogatories.

These Interrogatories shall be deemed continuing and shall be supplemented when necessary to reflect events occurring and information becoming available subsequent to the filing of initial answers. Defendants are requested to answer every portion of each inquiry to the extent that there is no specific objection to each such portion.

For the purposes of these Interrogatories the following definitions apply:

A. As used herein "identify" and "state the identity of," when used in reference to:

1. Documents shall mean to state the date, author, sender, recipient, type of document, (i.e., a letter, telegram, memorandum, book, chart, etc.) or other means of identifying it, and its present location or custodian, and in the case of a document within the possession, custody or control of defendants, whether defendants will make it available to plaintiffs' attorney for inspection and/or copying; and in the case of a document that was, but is no longer, in the possession, custody, or control of defendants, what disposition was made of it;

2. Communication or communications shall mean to state the date, communicator, communicatee, any other person present at or overhearing the communication and the nature of the communication and shall include any oral, written or visual contact between two or more persons wherein any information or document was exchanged between two or more persons;

3. Data shall mean any document or communication as defined above and as referred to in the instructions;

4. Source shall mean to state each of 1, 2, and 3 above which relate to the topic being inquired about;

5. Person shall mean an individual, firm, partnership, corporation, proprietorship, joint venture, association, governmental bureau, branch, or agency, or any other organization or entity. In each case a response shall state the full name and present or last-known position or job classification and business affiliation of an individual.

B. As used herein, "relating to" means in any way, directly or indirectly, concerning, referring, or relating to, analyzing, considering, supporting, qualifying or negating.

C. "Date" shall mean the exact day, month and year if ascertainable, or if not, the best approximation.

D. "Place" shall mean the exact location, if ascertainable, within a building, which shall also be identified, or any other location if applicable and ascertainable or if not, the best approximation.

E. The term "white" when used in reference to a person, employee or applicant does not include Spanish-surnamed Americans. In this regard, when a question requires the identification of individuals by national origin, information on Spanish-surnamed Americans should be separately listed.

F. The term "minority person" means a person who is Black or Hispanic (Spanish-surnamed).

G. The terms "validation" or "validate" when used in reference to an examination or other employment criterion refer to efforts to determine whether the examination or other employment criterion is a valid predictor of job performance.

INSTRUCTIONS

In answering each of the following Interrogatories, you are requested to identify all data relied upon by you in answer to each part, paragraph, or subparagraph thereof, and to state the identification of each person answering each Interrogatory.

INTERROGATORIES

1. For each geographical office maintained by the Monroe County Department of Social Services in the County of Monroe state:

a. its name;

b. its location;

c. the date since it has been in use by the defendant.

2. State the number of employees at each office identified in the answer to Interrogatory No. 1, as of January 1 of each year from 1965 to the present.

3. For each office identified in the answer to Interrogatory No. 1, state:

a. the name of each job category in the office, from 1965 to the present indicating the time period in which each job category was employed in the office;

b. the duties performed and/or responsibilities fulfilled by employees in each job category;

c. the rate of pay for each job category as of January 1, 1965 and January 1 for each succeeding year until January 1, 1975;

d. the present rate of pay for each job category;

e. the number of (1) all employees, (2) white male employees (3) white female employees (4) black male employees (5) black female employees (6) Spanish-surnamed American male employees (7) Spanish-surnamed American female employees in each shift or each job category as of January 1, of each year from 1965 to 1975 and as of the present;

f. those job categories in which the employees were represented by a "labor organization", as that term is defined in 42 U.S.C. §2000e(d), as of January 1, of each year from 1965 to 1976; and as of the present;

g. the name and address of each labor organization which represented employees in a particular job category identified in answer to part (f), indicating the job categories the labor organization represented, and the dates within which the labor organization represented these employees;

h. the title and dates of any agreement into which any of defendants entered with the labor organizations.

4. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in the defendants' possession, subject to their control, or of which they have knowledge, which would reflect any of the information requested in Interrogatory 3 and state to which subsection each such document is relevant.

5. State the number of applications for employment with the Monroe County Department of Social Services there were during each year from January 1, 1965 to January 1, 1975, and from January 1, 1975 to the present, by (1) all applicants (2) white male applicants (3) white female applicants (4) black male applicants (5) black female applicants (6) Spanish-surnamed American male applicants and (7) Spanish-surnamed American female applicants.

6. State, separately for each numbered part of the response to Interrogatory 5 above:

a. the number of applicants considered qualified, under whatever standards were then in use, to be employed by the defendants in any capacity, regardless of whether any such jobs were then available and regardless of whether the applicant was in fact hired by the defendants.

b. the number of applicants considered not qualified, under whatever standards were then in use, to be employed by the defendants in any capacity.

7. For each new hire since January 1, 1965, state:

a. name of person hired;

b. whether the person hired was white, black, Spanish-surnamed American, male or female;

c. whether the person was recruited by:

(1) word-of-mouth recruiting (referral or recommendation);

(2) advertisement;

(3) campus recruiting or other solicitations;

(4) employment agencies;

(5) other;

d. the name, race, and sex of the person referring or recommending each person hired pursuant to (c) (1) above;

e. the dates of the publication or broadcast of the advertisement which led to the hiring of persons listed in answer to (c) (2) above, the name of the publisher or broadcaster of such advertisements, whether the advertisement was placed in a "Help Wanted Male", "Help Wanted Female" or similarly designated column and whether the body of the ad contained any specification as to the sex, race, or national origin of the employee sought;

f. name of the college, school or any other

place visited, in recruiting persons hired pursuant to (c) (3) above, and state the date of such visits;

g. the name and address of the employment agency used to recruit persons hired pursuant to (c) (4) above, and state the specifications of your order to the employment agency, including any sex, race or national origin preferences.

8. a. Specify all employment advertisements for employment not covered in Interrogatory No. 7 (c) (2), indicating the name and address of the publisher or broadcaster, and the dates of the publication or broadcast of the advertisement.

b. Specify all college, school or other recruiting visits not described in Interrogatory 7 (c) (3), indicating their places and dates.

c. Specify all employment requests furnished to employment agencies other than those identified in answer to Interrogatory No. 7 (c) (4), and state the name and address of the employment agency and any specification in such requests as to race, sex or national origin.

9. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in the defendants' possession, subject

to their control, or of which they have knowledge, which would reflect any of the information requested in Interrogatories 5, 6, 7 and 8, and state the portions of such Interrogatories to which each such document is relevant.

10. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all of the forms now used by the defendants in connection with the processing of applications for employment and state as to each form the period during which it has been used.

11. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, each of the forms used by the defendants between January 1, 1965 and the present date, but which are not now used, in connection with the processing of applicants for employment, and state as to each the period in which it was in use.

12. State the length of time during which an application for employment will continue to be considered by defendants after it is filed.

13. State the length of time an application for employment is retained by defendants, if:

a. the applicant was employed;

b. the applicant was not employed.

14. State what steps an applicant for employment should or must take in order to have his or her application receive continued consideration by defendants. State the effects of failure to take such steps.

15. State the following:

a. the address of each office used at any time since January 1, 1965 to the present

to interview applicants for employment;

b. the name, address, job, race, and national origin of each person employed by defendants to work in each such office.

16. Identify with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in the company's possession, subject to its control, or of which it has knowledge, which would reflect any of the information requested in Interrogatory 15 and state the portions of Interrogatory 15 to which each such document is relevant.

17. a. For each job category identified in answer to Interrogatory No. 3 a. state whether Monroe County Department of Social Services has ever, since January 1, 1965, inquired concerning an applicant for employment's:

(1) arrests;
(2) criminal convictions;
(3) bankruptcies;
(4) garnishments;
(5) debts and installment payments;
(6) sex;
(7) marital status;
(8) number of children;
(9) child care arrangements;
(10) menstrual cycle experience;
(11) political affiliations or preferences;
(12) friends and associates;
(13) social attitudes;
(14) race;
(15) religion;
(16) color;
(17) national origin;
(18) citizenship;
(19) length of residency;

(20) education accomplishments;
(21) bank references or other type commercial references.

b. If such inquiries were made state the dates when the inquiries were made.

18. For each job category and for each of the years from 1965 to present, state:

a. any directions, oral or written, to persons in the employ of defendants who were screening job applicants;

b. any directions, oral or written, to such persons concerning questions to ask of potential applicants;

c. the contents of any interviewer's analysis sheet or similar document utilized by defendants or their agents;

d. any questions which were to be asked of females, blacks, and/or Spanish-surnamed Americans which were not asked of other persons.

19. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in the possession of defendants, subject to their control, or of which they have knowledge, which would reflect any of the information requested in Interrogatories 17 and 18 and identify the portions of Interrogatories 17 and 18 to which each document is relevant.

20. For each job category listed in response to Interrogatory 3a above, state:

a. each objective criterion, other than performance on written or manual tests, that has been a factor in evaluating applicants for employment or deciding the initial assignment of new hires to such job category at any time since January 1, 1965;

b. the periods during which such criterion has been in use;

c. the weight given to each such criterion;

d. the efforts made by, or on behalf of defendants to validate/evaluate the effectiveness of such criterion to predict job performance, indicating for each such criterion:

(1) the nature and date of each such evaluation effort;

(2) the results of each such evaluation effort;

(3) the names and addresses of each of defendants' officers, agents and employees and of each outside or professional consultant who participated in any way in each such evaluation effort.

21. For each job category listed in response to Interrogatory 3a above state:

a. each objective criterion, other than performance on a written or manual test, that has been a factor considered in

connection with the transferring, upgrading and/or promotion of employees to such job category at any time since January 1, 1965;

b. the periods during which each such criterion has been in use;

c. the weight given to each such criterion;

d. the efforts made by, or on behalf of defendants to validate/evaluate the effectiveness of such criterion to predict job performance, indicating for each such criterion:

(1) the nature and date of each such evaluation effort;

(2) the results of each such evaluation effort;

(3) the names and addresses of each of defendants' officers, agents and employees and of each outside or professional consultant who participated in any way in each such evaluation effort.

22. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in defendants' possession, subject to their control, or of which they have knowledge, which would reflect any of the information requested in Interrogatories 20 and 21 and identify the portions of each such Interrogatory to which each such document is relevant.

23. As to each criterion set forth in the responses to Interrogatories 20 and 21 above, state:

a. whether any such criterion has since January 1, 1965 been waived for any employee or employees. If so, state the circumstances of each such waiver, including the criterion involved and the dates and numbers of white male, Spanish-surnamed American male, black male, white female, Spanish-surnamed American female and black female employees benefited in each such instance;

b. the name and address of each of defedants' officials participating in the decision to adopt, to retain, to modify, or to abandon each such criterion.

24. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in defendants' possession, subject to their control, or of which they have knowledge, which would reflect any of the information requested in Interrogatory 23 and state the portions of Interrogatory 23 to which each such document is relevant.

25. State the following:

a. whether any written or manual tests have been administered by defendants to applicants for employment or persons seeking or under consideration for promotion from January 1, 1965 to the present;

b. the name, a brief description of each such test, and the dates on which it was administered;

c. the job categories administered, for which each such test is used;

d. the dates during which each test was used for each job category;

e. the extent to which defendants used the test scores in selecting employees for each job category.

26. For each test listed in answer to Interrogatory 25(b) state:

a. whether a fixed passing score on such a test has been required for employment in, or promotion to, any job category at any time from January 1, 1965 to the present;

b. the fixed passing score on each test and the job category for which this score has been required;

c. the dates during which each such fixed passing score has been required for each job category;

d. whether the requirements of taking or passing any test have been waived by defendants for any applicant, or employee, group of applicants or employees;

e. which test taking or passing requirements have been waived for each job category and give the date of each such waiver;

f. the number of white male, black male, Spanish-surnamed American males, white female, black female, Spanish-surnamed American female employees or applicants for employment who have benefited by such waivers;

g. the name and address of each of defendants' officers, agents, and employees and outside or professional consultants who have participated in any way in the adoption, retention, modification or abandonment of any test-taking or test-passing requirement;

h. the efforts made by, on behalf of, or in cooperation with defendants to validate/evaluate the effectiveness of such test to predict job performance, indicating for each such test:

(1) the nature and date of each such evaluation effort;
(2) the results of each such evaluation effort;
(3) the name and address of each of defendants' officers, agents and employees and of each outside or professional consultant who participated in any way in each such evaluation effort.

i. The efforts made by, on behalf of, or in cooperation with defendants to determine if a higher proportion of minority persons, relative to non-minority persons, failed the tests, indicating for each such test:

(1) the nature and date of each such evaluation effort;
(2) the results of each such evaluation effort;
(3) the name and address of each of defendants' officers, agents and employees and of each outside or professional consultant who participated in any way in each such evaluation effort.

27. State the number of white male, white female, black male, black female, Spanish-surnamed American male and Spanish-surnamed American female applicants for employment and for promotion who have taken tests for which there is a fixed passing score, and state the name, race, sex and national origin of applicants or employees who have passed such tests in each year from January 1, 1965 to the present.

28. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in the defendants' possession, or subject to their control, or of which they have knowledge, which would reflect any of the information requested in Interrogatories 25, 26 and 27 and state the portion of Interrogatories 25, 26 and 27 to which each document is relevant.

29. For each test listed in response to Interrogatory 25, state:

a. the names, addresses, and relationship to the defendants of the person or persons who administer the tests;

b. the names, addresses, and relationship to the defendants of the person or persons who score the tests;

c. the names, addresses, and relationship to the defendants of the person or persons who inform applicants or employees of the results of these tests;

d. whether, and under what circumstances, an applicant's or employee's test score and/or answer sheet is made available to him/her after the test is graded;

e. whether, and under what circumstances, an applicant or employee who has taken a test may inspect the test scores, and/or the answer sheets of other employees who have taken the same test;

f. the length of time during which the test scores, and/or the answer sheets are retained by the defendants or by others on their behalf, or over whom they have control;

g. the circumstances, if any, under which an applicant or employee who fails or performs poorly on such a test the first time is permitted to take it again.

30. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in defendants' possession, subject to their control, or of which they have knowledge, which would reflect any of the information requested in Interrogatory 29 and state the portions of Interrogatory 29 to which each such document is relevant.

31. For each of the job categories listed in response to Interrogatory 3a state:

a. whether employees assigned to this job category are ordinarily expected to acquire skills in the performance of their jobs which are considered essential to the performance of higher-paying or more desirable jobs;

b. the skills expected to be acquired;

c. the job categories for which the

acquisition of these skills is considered essential;

d. the period of time normally essential for the sufficient acquisition of such skills;

e. whether such a period of time has, at any time since January 1, 1965, been embodied in a job residency or job tenancy requirement which an employee must complete before being considered for promotion or transfer;

f. the length of any job residency or tenancy requirement, the dates during which it has been in use, and each instance in which it has been waived as to any employee or group of employees, indicating for each such waiver:

g. for each waiver, set forth in (e);

(1) where the employee worked at the time of the waiver;
(2) the date of the waiver;
(3) the job category to which he/she could be promoted because of the waiver;
(4) whether he/she in fact received such a promotion;
(5) the number of white male employees, Spanish-surnamed American male employees, black male employees, white female employees, Spanish-surnamed American female employees, and black female employees benefited by the waiver;

h. whether alternative means of acquiring such skills are available to employees. If so, describe them. State their cost, if any,

to the employee and state the length of time normally required to acquire such skills for such alternate means.

32. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for production of documents, all documents in the defendants' possession, or subject to their control, or of which they have knowledge, which would reflect any of the information requested in Interrogatory 31 and state the portions of each such Interrogatory to which each such document is relevant.

33. For each year from January 1, 1965 to the present, state:

a. the number of job applicants hired and initially assigned to each job category listed in answer to Interrogatory No. 3 (a), indicating separately:

1. all new hires;
2. white male hires;
3. white female hires;
4. black male hires;
5. black female hires;
6. Spanish-surnamed American male hires;
7. Spanish-surnamed American female hires;

b. the number of employees upgraded or promoted to each job category listed in answer to Interrogatory 3(a), indicating separately:

1. all employees promoted;
2. white male employees promoted;
3. white female employees promoted;
4. black male employees promoted;
5. black female employees promoted;
6. Spanish-surnamed American male employees promoted;
7. Spanish-surnamed American female employees promoted.

34. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in the defendants' possession, or subject to their control, or of which they have knowledge, which would reflect any of the information requested in Interrogatory 33 and state the portions of Interrogatory 33 to which each such document is relevant.

35. For each seniority system which is presently is use and for each seniority system which was in use at any time between January 1, 1965 and the present date, state the following:

a. the period during which it is/was in effect;

b. the job categories to or between which it is/was applied;

c. whether it is/was embodied in any collective bargaining or other agreement with a union;

d. the extent to which it governed an employee's:

1. ability to avoid being laid off;
2. ability to "bump" a junior employee from his or her job;
3. right to be recalled, if laid off;
4. ability to be upgraded or promoted;
5. ability to obtain a transfer;
6. right to better terms and conditions of employment, such as longer vacations, etc.

e. whether it differentiates/differentiated between employees on the basis of sex or national origin by its terms;

f. the composition of each seniority roster thereunder indicating race, national origin and sex of each person in each seniority roster and the time from which his or her seniority dates.

36. Does a transfer from one department to another or from one line of progression to another ever result in a loss of any kind of seniority? If so, describe.

37. For each job category listed in response to Interrogatory 3(a) above; state:

a. all methods used by the defendants to inform current employees of job vacancies;

b. the exact location at which any notices of job vacancies are posted;

c. the length of time such notices are posted;

d. the job categories:

1. for which notices are always posted;
2. for which notices are sometimes posted;
3. for which notices are never posted.

e. information requested in all forms used by the defendants in connection with the processing of applications for transfer or promotion to the job vacancies;

f. the names, addresses, race, sex, national origin, and job title of all persons responsible for making recommendations, receiving and/or processing a request for promotion or transfer to the job vacancies;

g. the dates for which any method described in 37(a) was/is in use.

38. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in the defendants' possession, subject to their control, or of which they have knowledge, which would reflect any of the information requested in Interrogatory 37 and state to which subsection of the Interrogatory each such document is relevant.

39. State, separately for each job cateogry, for each twelve month period since January 1, 1965 and for the period from January 1, 1975 to the present, the number of employees:

a. who requested promotion or transfer to other job categories, indicating the exact figure for:
   1. all employees;
   2. white male employees;
   3. white female employees;
   4. black male employees;
   5. black female employees;
   6. Spanish-surnamed American male employees;
   7. Spanish-surnamed American female employees.

b. who requested promotions or transfers and who satisfied the objective criteria established by the defendants to determine whether an employee shall be promoted or transferred, regardless of whether the job sought was available, indicating the exact figure for:
   1. all employees;
   2. white male employees;
   3. white female employees;
   4. black male employees;
   5. black female employees;
   6. Spanish-surnamed American male employees;
   7. Spanish-surnamed American female employees.

40. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for production of documents, all documents in the defendants' possession, subject to their control, or of which they have knowledge, which would reflect any of the information requested in Interrogatory 39 and state the subsection of the Interrogatory to which each document relevant.

41. For each twelve month period since January 1, 1965 and for the period from January 1, 1975 to present, state:

a. each job category in which it is or has been possible to earn:

1. overtime pay, include the rate of such overtime pay;
2. merit increases, including the number of such increases offered within that category.

b. the means by which merit pay is determined and allocated to employees in each category listed in answer to a.1.;

c. the names, addresses, sex, race, national origin and job title of the defendants' officers, agents or employees who allocate merit increases to employees in each job category listed in answer to a.

42. For each year from January 1, 1965 to the present, state separately for each job category the average merit increases earned by:

a. white male employees;
b. white female employees;
c. black male employees;
d. black female employees;
e. Spanish-surnamed American male employees;
f. Spanish-surnamed American female employees.

43. For each job category listed in response to Interrogatory 3a. state the number of employees who have not been eligible to receive incremental salary increases in the last two years because they are at the top of the salary level for their position. Indicate exact figures for:

a. white male employees;
b. white female employees;
c. black male employees;
d. black female employees;
e. Spanish-surnamed American male employees;
f. Spanish-surnamed American female employees.

44. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for production of documents, all documents in the defendants' possession, subject to their control, or of which they have knowledge, which would reflect any of the information requested in Interrogatories 41, 42 and 43 and state subsection of the Interrogatory to which each document is relevant.

45. State separately as to each year from January 1, 1965 to the present, whether there has been any job category in which male, female, Spanish-surnamed Americans or black Americans were not employed or if employed did not exceed ten per cent (10%) of the number of persons therein employed. If so, give the job category and dates in which above described situation prevailed. Give the actual percent, if any, of the male, female, Spanish-Surnamed Americans or black Americans so employed.

46. a. State whether at any time since January 1, 1965 Spanish-surnamed Americans, black Americans, males or females, have been restricted or excluded from any:

(1) job category;
(2) occupational grouping;
(3) line of progression;
(4) department;
(5) room, compartment or other facility.

b. if the answer to (a) is affirmative, state:

(1) the period during which each restriction or exclusion was operative;

(2) the means by which each restriction or exclusion was operative;

(3) the dates and manner of removal of each restriction or exclusion, if, in fact they have been removed;

(4) the nature of any rights granted to or conditions imposed upon employees desiring transfer to positions from which they were previously restricted or excluded, including but not limited to:

(a) the amount of job, occupational, grouping, departmental, room or divisional seniority, if any, an above-mentioned employee retains upon promotion or transfer to a previously inaccessible position.

(b) whether access to any of the previously restricted positions is now limited or denied, or for a time was limited or denied to the described employees because they had not been previously employed in the positions as to which a restriction was at one time operative.

If so, state the details of each situation and describe how seniority is utilized in placing persons into positions from which they were formerly barred.

47. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all the documents in the defendants' possession, subject to their control, or of which they have knowledge, which would reflect any of the information requested in Interrogatories 45 and 46 and state the subsection of the Interrogatory to which each document is relevant.

48. a. State whether the defendants have ever received complaints or petitions, directly or indirectly, by any employees alleging that they have been subjected to racial or sexist epithets, physical force, overly-technical enforcement of defendants' regulations, personal indignities, reprisals, and/or other forms of harassment because of their being black, female or Spanish-surnamed.

b. if the answer to (a) is affirmative state:

(1) the allegation made in each complaint or petition;
(2) whether defendants conducted an investigation of the complaint or petition in detail;
(3) the name, address, race, sex, national origin and job title of the defendants' official, agent or employee in charge of the investigation;
(4) the findings of the investigation and state if any record currently exists of such findings;

(5) the final disposition of the complaint or petition.

49. a. State whether defendants have ever received any complaints or petitions from any of their black, female or Spanish-surnamed employees alleging race, sex or national origin discrimination in any of the terms or conditions of employment with the defendants.

b. If the answer to a. is affirmative state:

(1) the allegations of the complaint or petition;

(2) whether an investigation was conducted concerning the complaint or petition;

(3) the name, address, race, sex, national origin and job title of the defendants' official, agent, or employee in charge of the investigation;

(4) the findings of the investigation and state if any record currently exists of such findings;

(5) the final disposition of the complaint or petition.

50. State whether the defendants have ever been subjected to a review of their employment practices by any United States Government agency. If the answer is affirmative further state:

a. the contracting agency involved;

b. the reviewing agency;

c. the discrimination alleged;

d. the dates of any investigation;

e. findings of the investigating agency;

f. whether as a result of the investigation any contract with an agency of the United States has been cancelled, terminated, suspended or otherwise affected.

51. Identify with sufficient specificity to form the basis of an eventual Rule 34 request for production of documents, all reports which have been prepared and/or filed with the Office of Federal Contract Compliance (OFCC) /or like agency between January 1, 1965 and the present date, and all written reports and materials used to prepare such reports.

52. Identify with sufficient specificity to form the basis of an eventual Rule 34 request for production of documents in the defendants' possession, subject to their control, or of which they have knowledge, which would reflect any of the information in Interrogatory 50.

53. State whether any of the defendants, at any time between January 1, 1965 and the present date, have been named as a defendant in any judicial and/or administrative action wherein the claims of the plaintiff(s) have been based in whole or in part on Title VII of the Civil Rights Act of 1964, the Equal Pay Act, Section 1 of the Civil Rights Act of 1866, Section 2 of the Civil Rights Act of 1871 or New York State Human Rights Law. If so, state:

a. the date the action was filed;

b. the court or agency in which the action was filed and the civil action or control number assigned;

c. the parties to the action;

d. the current status of the action, if it is currently pending;

e. the disposition of the action, if it is no longer pending.

54. For each job-vacancy which became open during the twelve month period preceding January 1, 1965, and for each year thereafter, indicate separately:

a. the name, race, sex and current address of the person who filled the vacancy and his/her prior job with the defendants;

b. the names, race and sex of all persons considered eligible for the job and their qualifications;

c. the names, race and sex of all persons informed of the vacancy and the means utilized;

d. all bid notices posted, including location and dates.

e. whether the position was filled provisionally or by appointment from a civil service list.

55. For the twelve month period preceding January 1, 1965 and for each year thereafter, list any job category which had both minorities and non-minorities and state:

a. the rate of pay for minorities and non-minorities, males and females, in each category;

b. state, separately for minorities and non-minorities, males and females, the length of time they remained in the job category.

56. Identify, with sufficient specificity to form the basis for an eventual Rule 34 request for the production of documents, all documents in the defendants' possession, subject to their control, or of which they have knowledge which would reflect any of the information requested in Interrogatories 54 and 55 and state to which subsection of the Interrogatory each document is relevant.

57. Describe any training courses or programs which have been made available by or through defendants to employees since January 1, 1965, including:

a. the skills intended to be imparted by the course or program;

b. the length of each course or program and the frequency with which it is offered;

c. which employees are eligible;

d. the manner in which employees are informed of the course of program;

e. criteria for determining eligibility to the course or program;

f. the cost of the course or program, if any, to the employee taking it;

g. the job category for which the training is helpful in obtaining promotion or transfer;

h. the number of employees taking part in these courses or programs for each year since January 1, 1965 to the present separately for:

(1) all employees;
(2) white male employees;
(3) white female employees;
(4) black male employees;
(5) black female employees;
(6) Spanish-surnamed American male employees;
(7) Spanish-surnamed American female employees.

i. give the name, address, race, sex, national origin and job title of each of the defendants' officers, agents and employees and of each outside professional consultant who in any way participated, collaborated, or gave advice concerning the use of adoption, retention, modification, availability or abandonment of the above courses or programs.

58. State separately for the twelve month period preceding January 1, 1965 and for each year thereafter:

a. the name, sex, race and national origin of all:
(1) administrative personnel (non-civil service)
(2) supervisors
(3) any other person who had responsibility for the performance of five (5) or more employees

b. manner in which the persons listed in answer to a. were chosen;

c. their rate of pay.

59. For each job classification state:

a. when each job classification had permanently assigned to it the first:
   (1) black;
   (2) Spanish-surnamed American;
   (3) female;
   (4) male.

b. those job classifications which up to the present have not had permanently assigned to them any:
   (1) blacks;
   (2) Spanish-surnamed Americans;
   (3) females;
   (4) males

60. Indicate the employee benefits which you have given your employees, at all levels, from January 1, 1965 to present. Including but not limited to the following:

a. stock options;
b. sabbaticals;
c. sick leave;
d. disability leave;
e. vacation leave;
f. Christmas bonuses;
g. other bonuses;
h. health insurance;
i. life insurance;
j. maternity leave;
k. child-rearing leave;
l. other leaves of absence;
m. pensions and retirement benefits;
n. education leave with and/or without pay
o. contribution toward educational expenses.

61. Indicate, for every year from January 1, 1965 to the present:

a. whether a woman is considered for employment if she is pregnant when she applies for work at Monroe County Department of Social Services;

b. how a woman is treated when she becomes pregnant while employed at Monroe County Department of Social Services;

c. what insurance, if any, is paid for the spouse of a male who dies while employed by Monroe County Department of Social Services and what insurance is paid to the spouse of a female who dies while employed by Monroe County Department of Social Services;

d. the age for early retirement for males and for females;

e. the age for regular retirement for males and females.

62. Identify, with sufficient specificity for an eventual Rule 34 request, all documents or other physical evidence in defendant's possession, subject to their control, or of which they have knowledge which would reflect any of the information requested in Interrogatories 57 thru 61 and state to which subsection of the Interrogatory each document or other physical evidence is relevant.

63. List all job classifications or positions for which defendants presently feel being male or female is a bona fide occupational qualification. Give detailed explanation of reasoning in each instance.

64. For each of the job categories listed in response to Interrogatory 3a state:

a. the number of provisional appointments granted each year from January 1, 1965 to January 1, 1975 and from January 1, 1975 to the present, indicating the exact figures for:

(1) all employees

(2) white male employees

(3) white female employees

(4) black male employees

(5) black female employees

(6) Spanish-surnamed American male employees

(7) Spanish-surnamed American female employees

b. the duration of each of the above noted provisional appointments.

65. Identify with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents all documents or physical evidence which records, reflects, or otherwise provide the information stated in answer to Interrogatories 63 and 64 and state to which subsection of the Interrogatory each document or other physical evidence is relevant.

66. Identify each person whom defendants expect to call as an expert witness, at any hearing and/or trial herein, stating the subject matter on which the expert is expected to testify and the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

67. For each of the job categories listed in response to Interrogatory 3a state:

a. the number of educational leaves granted with pay for each year from January 1, 1965 to January 1, 1975 and from January 1, 1975 to the present, indicating the exact figures for:

(1) all employees

(2) white male employees

(3) white female employees

(4) black male employees

(5) black female employees

(6) Spanish-surnamed American male employees

(7) Spanish-surnamed American female employees

b. the duration of each of the above noted educational leaves.

68. For each of the job categories listed in response to Interrogatory 3a state:

a. the number of educational leaves granted without pay for each year from January 1, 1965 to January 1, 1975 and from January 1, 1975 to the present indicating the exact figure for:

(1) all employees

(2) white male employees

(3) white female employees

(4) black male employees

(5) black female employees

(6) Spanish-surnamed American male employees

(7) Spanish-surnamed American female employees

b. the duration of each of the above noted educational leaves.

69. State the policy or practice of the Monroe County Department of Social Services in assigning its personnel to work with particular clientele, specifically the practice of assigning black personnel to work with black clientele, white personnel to work with white clientele, and Spanish-surnamed American personnel to work with Spanish-surnamed American clientele.

70. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in the defendants' possession, or subject to their control, or of which they have knowledge, which would reflect any of the information requested in Interrogatories 67,68 and 69 and state the portions of Interrogatories 67,68 and 69 to which each such document is relevant.

Emmelyn Logan-Baldwin
Attorney for Plaintiffs
510 Powers Building
Rochester, New York 14614
716-232-2292

Dated: December 31, 1975

CERTIFICATE OF SERVICE

I hereby certify that the foregoing First Interrogatories Propounded by Plaintiffs was served on the defendants, by my causing a copy thereof to be mailed to attorneys for the defendants, Joseph Pilato, Esq., Assistant Monroe County Attorney, Monroe County Office Building, Main Street, Rochester, New York 14614 and to Charles Finch, Esq., Senior Attorney, Monroe County Department of Social Services, 111 Westfall Road, Rochester, New York 14620 this 2nd day of January 1976.

Emmelyn Logan-Baldwin
Attorney for Plaintiffs
Office and P.O. Address:
510 Powers Building
Rochester, New York 14614
Telephone: 716-232-2292

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, et al, Plaintiffs, -vs- MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, et al, Defendants.	NOTICE OF DEPOSITION CIV-75-520

PLEASE TAKE NOTICE that the plaintiffs will take the deposition upon oral examination of James Reed, Director of the Monroe County Department of Social Services, whose address is 111 Westfall Road, Rochester, New York pursuant to the Federal Rules of Civil Procedure before a notary public or some other officer duly authorized to administer oaths on February 2, 1976 from 10:00 a.m. to 12 Noon and from 2:00 p.m. to 4:00 p.m. and on such other days convenient to the witness and attorneys for the parties necessary to complete the deposition, at 510 Powers Building, Rochester, New York.

EMMELYN LOGAN-BALDWIN
Attorney for Plaintiffs
Office and P.O. Address:
510 Powers Building
Rochester, New York 14614
Telephone: 232-2292

January 6, 1976

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Deposition was served on the defendants by my causing a copy thereof to be mailed to attorneys for the defendants, Joseph Pilato, Esq., Assistant Monroe County Attorney, Monroe County Office Building, Main Street, Rochester, New York 14614, and Charles Finch, Esq., Senior Attorney, Monroe County Department of Social Services, 111 Westfall Road, Rochester, New York 14620, this 6th day of January 1976.

EMMELYN LOGAN-BALDWIN
Attorney for Plaintiffs
Office and P.O. Address:
510 Powers Building
Rochester, New York 14614

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, et al,

Plaintiffs,

-vs-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, et al,

Defendants.

NOTICE OF DEPOSITION

CIV-75-520

PLEASE TAKE NOTICE that the plaintiffs will take the deposition upon oral examination of Richard Osterman, Manager of Civil Service, Monroe County Office Building, Main Street, Rochester, New York pursuant to the Federal Rules of Civil Procedure before a notary public or some other officer duly authorized to administer oaths on February 11, 1976 from 10:00 a.m. to 12 Noon and from 2:00 p.m. to 4:30 p.m. and on such other days convenient to the witness and attorneys for the parties necessary to complete the deposition, at 510 Powers Building, Rochester, New York.

EMMELYN LOGAN-BALDWIN
Attorney for Plaintiffs
Office and P.O. Address:
510 Powers Building
Rochester, New York 14614
Telephone: 232-2292

January 6, 1976

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Deposition was served on the defendants by my causing a copy thereof to be mailed to attorneys for the defendants, Joseph Pilato, Esq., Assistant Monroe County Attorney, Monroe County Office Building, Main Street, Rochester, New York 14614 and Charles Finch, Esq., Senior Attorney, Monroe County Department of Social Services, 111 Westfall Road, Rochester, New York 14620, this 6th day of January 1976.

EMMELYN LOGAN-BALDWIN
Attorney for Plaintiffs
Office and P.O. Address:
510 Powers Building
Rochester, New York 14614

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, et al,
Plaintiffs,

-vs-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, et al,
Defendants.

NOTICE OF DEPOSITION

CIV-75-520

PLEASE TAKE NOTICE that the plaintiffs will take the deposition upon oral examination of Gabriel Russo, Director of Human Resources of Monroe County, Monroe County Office Building, Main Street, Rochester, New York pursuant to the Federal Rules of Civil Procedure before a notary public or some other officer duly authorized to administer oaths on February 9, 1976 from 10:00 a.m. to 12 Noon and from 2:00 p.m. to 4:30 p.m. and on such other days convenient to the witness and attorneys for the parties necessary to complete the deposition, at 510 Powers Building, Rochester, New York.

EMMELYN LOGAN-BALDWIN
Attorney for Plaintiffs
Office and P.O. Address:
510 Powers Building
Rochester, New York 14614
Telephone: 232-2292

January 6, 1976

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Deposition was served on the defendants by my causing a copy thereof to be mailed to attorneys for the defendants, Joseph Pilato, Esq., Assistant Monroe County Attorney, Monroe County Office Building, Main Street, Rochester, New York 14614 and Charles Finch, Esq., Senior Attorney, Monroe County Department of Social Services, 111 Westfall Road, Rochester, New York 14620, this 6th day of January 1976.

EMMELYN LOGAN-BALDWIN
Attorney for Plaintiffs
Office and P.O. Address:
510 Powers Building
Rochester, New York 14614

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, et al, Plaintiffs, -vs- MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, et al, Defendants.	NOTICE OF DEPOSITION CIV-75-520

PLEASE TAKE NOTICE that the plaintiffs will take the deposition upon oral examination of LaMar Jackson, Affirmative Action Officer of Defendant Monroe County, whose address is Monroe County Office Building, Main Street, Rochester, New York, pursuant to the Federal Rules of Civil Procedure before a notary public or some other officer duly authorized to administer oaths on January 20, 1976 from 10:00 a.m. to 12 Noon and from 2:00 p.m. to 4:30 p.m. and on such other days convenient to the witness and attorneys for the parties necessary to complete the deposition, at 510 Powers Building, Rochester, New York.

EMMELYN LOGAN-BALDWIN
Attorney for Plaintiffs
510 Powers Building
Rochester, New York 14614
Telephone: 716-232-2292

January 6, 1976

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Deposition was served on the defendants by my causing a copy thereof to be mailed to attorneys for the defendants, Joseph Pilato, Esq., Assistant Monroe County Attorney, Monroe County Office Building, Main Street, Rochester, New York 14614, and Charles Finch, Esq., Senior Attorney, Monroe County Department of Social Services, 111 Westfall Road, Rochester, New York 14620, this 6th day of January 1976.

EMMELYN LOGAN-BALDWIN
Attorney for Plaintiffs
Office and P.O. Address:
510 Powers Building
Rochester, New York 14614

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEZ PAGE, DOROTHY DOBSON, RAVELLA FLOYD, INES CHARLES, EVELYN FAIRWELL, ALICE ZEALY, GEORGE HOLMES, ENOCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATTHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES McDONALD, DAISY MAY BANKS, MICHELLE COURNOYER, LUZ MARTINEZ, MARIE WAKE, ALBERTA FERGUSON, SADIE JOHNSON, individually and on behalf of all other persons similarly situated,

Plaintiffs,

-vs-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, Director of Monroe County Department of Social Services, MONROE COUNTY CIVIL SERVICE COMMISSION OFFICE OF CIVIL SERVICE AND PERSONNEL OF MONROE COUNTY, FRED LAPPLE, Executive Director, Office of Civil Service & Personnel of Monroe County, GABRIEL RUSSO, Director of Human Resources of Monroe County and MONROE COUNTY,

Defendants.

NOTICE OF MOTION TO DISMISS AND MOTION FOR PROTECTIVE ORDER

Index No.
Civil # 75-520

SIRS:

PLEASE TAKE NOTICE, that upon the annexed affidavit of Frank P. Celona sworn to January 14, 1976, the affidavit of James Reed sworn to January 14, 1976 and upon all of the pleadings has heretofore and upon

BEST COPY AVAILABLE

the entire record, the defendants Monroe County Department of Social Services and James Reed, as Director of Monroe County Department of Social Services, will move this court before the Honorable Harold P. Burke, U.S. District Judge at the U.S. Courthouse, 100 State Street, Rochester, New York at 10:00 o'clock in the forenoon on January 26, 1976, or as soon thereafter as counsel can be heard for an order pursuant to Rule 12 (b), 23, 26 (c) of the Federal Rules of Civil Procedure, Title 28, and 42 of the U.S.C. (1) dismissing the above entitled action , and

(2) granting a protective order to the defendants relative to any and all discovery methods used by Plaintiffs in connection with the above entitled action, and

(3) staying all proceedings in this action pending a determination by this court of this motion to dismiss the action, and

(4) such other and further relief as to the court seems just and proper.

The basis for this motion is upon the following grounds:

(1) The plaintiffs fail to state a cause of action.

(2) The plaintiffs have no standing to institute this action.

(3) The action is barred by the 3 year statute of limitations.

(4) That the plaintiffs have failed to comply with the requirements of Rule 23 for a class action.

(5) That plaintiffs' discovery notices and motions are grossly broad, general, irrelevant, voluminous, illegal and serve to harass the defendants herein.

(6) That the plaintiffs' by their actions and failure to act, have aided, abetted, condoned, and contributed to the acts they complain of in their complaint, and therefore do not come to this Court with clean hands.

Dated: January 14, 1976

Yours etc.

CHARLES G. FINCH, Esq.
Frank P. Celona of Counsel
Attorneys for Defendant Monroe County
Department of Social Services and James
Reed as Director
111 Westfall Road
Rochester, New York 14620
Tel: (716) 442-4000

TO:

Emmelyn Logan-Baldwin, Esq.
Attorney for Plaintiffs
510 Powers Building
Rochester, New York 14614

William J. Stevens, Esq.
Joseph C. Pilato of Counsel
Attorneys for Defendants
307 County Office Building
Rochester, New York 14614

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, et al.,

Plaintiffs,

-vs-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, et al.,

Defendants.

AFFIDAVIT OF FRANK P. CELONA

Civil # 75-520

STATE OF NEW YORK
COUNTY OF MONROE

Frank P. Celona, being duly sworn, deposes and says:

1. That he is currently employed by the Monroe County Department of Social Services as an attorney and is currently representing the Monroe County Department of Social Services and James Reed, Director, in the above-entitled action.

2. That he is a duly licensed attorney and authorized to practice law in New York State.

3. That he makes this affidavit in support of the attached motion by defendants to dismiss the above entitled action pursuant to Rules 12(b) and 23 of the Federal Rules of Civil Procedure, for an order providing for a protective order for any and all discovery motions in the above entitled action pursuant to Rule 26 (c) of the FRCP and for such further relief as this court may deem just and proper.

4. That the basis for deponent's motion is upon the following:

(a) That the plaintiffs have failed to state a cause of action upon which relief can be granted as outlined in defendants' answer and, specifically, in that:

(1) The defendants are not the proper parties for such an action since plaintiff's complaint alleges that the New York State Civil Service Commission's examinations are unjust and discriminatory. Defendants, Monroe County Department of Social Services and its Director, James Reed, are not involved in the development or grading of such examinations and have little or no input into Civil Service examinations.

(2) That the Monroe County Department of Social Services has, at all times stated in plaintiffs' complaint, complied with all of the requisits, rules and laws of the State of New York and the Constitution of the United States and pursuant to those laws has applied, and continues to apply, a policy consistent with such laws in all cases and specifically in the instances raised by the plaintiffs in this action.

(b) That the plaintiffs have failed to meet the requirements of a class action in that:

(1) They have joined as members of their class several persons which plaintiffs' own complaint specifically exclude. In plaintiffs' complaint, they state that the "class represented by named plaintiffs consists of minority persons..." and that the term "minority" includes "all persons who are not of caucasian (white) race..." Two of the named plaintiffs, however, Michelle Cournoyer and Linda Caffney are admitted to be white in plaintiffs' complaint. These two plaintiffs are not, therefore, representative of the class and show that the class is improperly constituted for purposes of a class action.

(2) Questions of law and fact are not common as to all named plaintiffs since some of the plaintiffs have refused to take required examinations, some plaintiffs have taken required examinations and failed them while others base their claims on the actions of their supervisors in failing to notify them of job opportunities.

(3) Plaintiffs have failed to comply with the requirements for a class action under Rule 23 (c)(2) of the FRCP and under the Supreme Court decision of Morton Eisen, etc. vs. Carlisle and Jacquelin, et al. 417 U.S. 156, in that all members of the class have not been individually notified nor has there been any attempt by plaintiffs to notify all of the possible members of the class.

(c) That plaintiffs' action is barred by the applicable Statute of Limitations. Since there is no federal statute of Limitations applicable, case law, Kaiser v. Cohn, C.A.N.Y., 1974, 510 F.2d 282, holds that the appropriate state Statute of Limitations shall apply. Under the New York CPLR section 214(2), this action is governed by the three year Statute of Limitations based on an action to recover upon a liability, penalty or forfeiture created or imposed by statute.

(1) In any event, if this court finds the entire action is not barred by the three year Statute of Limitations, plaintiffs' should be barred from examining and/or using any of the material prior to November 24, 1972 which is three years prior to the commencement of this action. Litigation between the parties, if not fully dismissed, should be limited to the period beginning November 24, 1972 as that is within the applicable statutory period.

(5) That deponent asks this court to grant a protective order pursuant to Rule 26(c) of the FRCP for the defendant Monroe County Department of Social Services and its Director, James Reed, denying all discovery motions in the above entitled action pending a decision by this court on defendant's motion to dismiss so that the status quo of the parties may be maintained.

(6) Deponent further requests that the right of Monroe County Department of Social Services and its Director, James Reed, be reserved to to request a further protective order of all discovery motions pending the decision of this court on defendant's motion to dismiss. Plaintiffs' have made over 170 requests for discovery pertaining to several thousand employees and documents covering periods of time going back as far as 1948.

WHEREFORE, deponent requests that this court grant defendant's motion to dismiss this action pursuant to Rules 12(b) and 23 of the FRCP and that this court further grant a protective order pursuant to Rule 26 (c) of the FRCP denying all discovery proceedings by all parties pending the decision of this court on defendant's motion to dismiss, and for such further relief as this court may deem just and proper.

Frank P. Celona

FRANK P. CELONA

Sworn to before me

this 14th day of January, 1976

Charles D. Smith

CHARLES D. SMITH

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, et al.,

Plaintiffs,

-vs-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, et al.,

Defendants.

AFFIDAVIT BY JAMES REED

Civil # 75-520

COUNTY OF MONROE
STATE OF NEW YORK

James Reed, as Director of Monroe County Department of Social Services, being duly sworn deposes and says:

That he is the current Director of the Monroe County Department of Social Services.

That he has read the affidavit of Frank P. Celona, one of the counsels for your deponent, and joins in his affidavit for the relief requested in this motion.

That in addition thereto your deponent respectfully states that:

(1) As Director he has, at all times, complied with all the laws of the State of New York and of the Constitution of the United States.

(2) That during his tenure as Director of Monroe County Department of Social Services, your deponent has made diligent effort to employ and advance members of the minority class in said agency. For example, at the present time there are approximately 961 employees at your deponent's agency of which approximately 14.7% are of the minority or spanish surnamed group.

That upon information and belief the percentage of minority people employed at the agency is larger than the percentage of minority people in the community at large. Upon information and belief 8% of the people in the local community at large are of Black and Hispanic origin.

(3) That Civil Service tests, requirements, qualifications etc. are within the jurisdiction and control of the New York State Civil Service Commission, who is not a party to this action, and not within the jurisdiction or control of your deponent.

(4) That the lack of advance by several of the plaintiffs is ~~done~~ due primarily to plaintiffs' own actions such as refusal to take required exams or failure to pass such exams.

(5) Based upon the above circumstances and upon the other allegations outlined in defendants answer to this action, your deponent believes that plaintiffs fail to state a cause of action upon which relief can be granted.

(6) Your deponent respectfully requests that the court grant a protective order denying all discovery proceedings in the above entitled action at the present time because your deponent believes that the status quo of the parties should be maintained pending a determination of this motion to dismiss.

(7) Deponent further requests that the court reserve to deponent the right to seek a further protective order, if necessary, upon determination of this motion to dismiss, since plaintiffs' have requested in their discovery proceedings massive, broad, general and voluminous information as far back as 1948.

WHEREFORE, your deponent respectfully requests that the court grant defendants motion to dismiss and further grant defendants motion for a protective order, and for such other and further relief as to the court seems just and proper.

James Reed
JAMES REED

Sworn to before me
this 14 day of January, 1976

Charles G. Finch
Notary Public

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEZ PAGE, DOROTHY DOBSON, RAVELLA FLOYD, INEZ CHARLES, EVELYN FAIRWELL, ALICE ZEALY, GEORGE HOLMES, ENOCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATTHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES McDONALD, DAISY MAY BANKS, MICHELLE COURNOYER, LUZ MARTINEZ, MARIE WARE, ALBERTA FERGUSON, SADIE JOHNSON, individually and on behalf of all other persons similarly situated,

Plaintiffs,

vs.

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, Director of Monroe County Department of Social Services, MONROE COUNTY CIVIL SERVICE COMMISSION OFFICE OF CIVIL SERVICE AND PERSONNEL OF MONROE COUNTY, FRED LAPPLE, Executive Director, Office of Civil Service & Personnel of Monroe County, GABRIEL RUSSO, Director of Human Resources of Monroe County and MONROE COUNTY,

Defendants.

MOTION TO DISMISS AND MOTION FOR PROTECTIVE ORDER

Index No.
CIV-75-520

Upon the annexed affidavit of William J. Stevens, Esq., Monroe County Attorney, Joseph C. Pilato, Esq. of counsel, the legal representive for Monroe County Civil Service Commission Office of Civil Service and Personnel of Monroe County, Fred Lapple, Gabriel Russo and Monroe County, defendants, and upon all of the pleadings and heretofore and upon the entire record, the above named defendants hereby move this Court pursuant to Rule 12(b), 23 and 26 of the Federal Rules of Civil Procedure,

BEST COPY AVAILABLE

Title 28, 42 and 43 of the USCA, to dismiss the above entitled action and further for an order providing for a protective order for any and all discovery motions made in connection with the above entitled parties and for a summary judgment pursuant to their annexed counter claim and for such other and proper relief as to this Court may seem just and proper.

That this motion shall come to be heard on January 26, 1976 at or about 10:00 o'clock a.m. or as soon thereafter as counsel may be heard, at the Federal Court House for the United State District Court for the Western District of New York, New Federal Building, 100 State Street, Rochester, New York.

That the basis for this motion is upon the following grounds:

1. Plaintiffs have failed to state a cause of action upon which relief can be granted.

2. Plaintiffs have no standing to institute this action.

3. The cause of action is beyond the three-year statute of limitations.

4. Plaintiffs have failed to state legitimate federal questions.

5. That the plaintiffs have failed to comply with the requirements for a class action under Rule 23 of the Federal Civil Procedure and in fact had illegally and improperly joined as plaintiffs, individuals who lack knowledge of said class

action having been initiated and do not consent to be parties themselves and further for improperly joining other individuals and failing to notify all potential members of the class, all contrary to the class action requirements.

6. That the plaintiffs' "discovery motions" have been repeated and several without basis in law or fact and are illegal and improper and only serve to harass and intimidate the defendants above named.

7. That this action purports to be under Title VII of the Civil Rights Act of 1964 and there is, therefore, lack of jurisdiction over the County of Monroe and the named Monroe County departments in that they are not "persons" as defined under the aforesaid title.

8. That the plaintiffs are barred from the above entitled action by the factual circumstances of their own actions or failure to act and their consent to any acts complained on or their contributory liability resulting in the above stated circumstances complained of.

WHEREFORE, the above entitled defendants respectfully move this Court to dismiss the above entitled action and further for an order providing for a protective order for any and all discovery motions made in connection with the above entitled parties and for a summary judgment pursuant to their annexed counter claim and for such other and proper relief as to this Court may seem just and proper.

Respectfully submitted,

WILLIAM J. STEVENS
Attorney for Defendants
JOSEPH C. PILATO of Counsel
307 County Office Building
Rochester, New York14614
Telephone : 428-5280

TO: Emmelyn Logan-Baldwin, Esq.
510 Powers Building
Rochester, New York 14614

Charles Finch, Esq.
111 Westfall Road
Rochester, New York

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEZ PAGE, DOROTHY DOBSON, RAVELLA FLOYD, INEZ CHARLES, EVELYN FAIRWELL, ALICE ZEALY, GEORGE HOLMES, ENOCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATTHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES McDONALD, DAISY MAY BANKS, MICHELE COURNOYER, LUZ MARTINEZ, MARIE WARE, ALBERTA FERGUSON, SADIE JOHNSON, Individually and on behalf of all other persons similarly situated,

Plaintiffs,

-vs-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, Director of Monroe County Department of Social Services; MONROE COUNTY CIVIL SERVICE COMMISSION OFFICE OF CIVIL SERVICE AND PERSONNEL OF MONROE COUNTY, FRED LAPPLE, Executive Director, Office of Civil Service and Personnel of Monroe County; GABRIEL RUSSO, Director of Human Resources of Monroe County and MONROE COUNTY,

Defendants.

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF MONROE SS
CITY OF ROCHESTER

JOSEPH C. PILATO, being duly sworn deposes and says:

1. That I am an attorney and counselor at law duly licensed to practice my profession in the State of New York and am admitted to practice before the United States District Court for the Western District of New York.

2. That I am currently employed in the Monroe County Attorney's office which is the legal and lawful representative

of the defendants above named, Monroe County Civil Service Commission Office of Civil Service and Personnel of Monroe County, Fred Lapple, Gabriel Russo, Human Resources of Monroe County and the County of Monroe.

3. That this affidavit is made in support of the attached Motion to Dismiss and in the alternative for protective order already before this Court.

4. That the court lacks sufficient jurisdiction to the parties and the subject matter in that under Rule 23 of the Federal Rules of Civil Procedure and Title 28 USC, Sections 1335, 1397, 2361 and 1359. Title 28 USC, Title 1359 states,

> "A district court shall not have jurisdiction over a civil action in which any party by assignment or otherwise has been improperly or collusively made or joined to invoke the jurisdiction of such court."

That of the approximately 36 plaintiffs in the above entitled action according to the complaint already before this Court, 31 are Black citizens, two are Spanish-surname, one is American-Indian and two are white and such a general term as class can not be used to join these individuals in the same action. Such different minorities and caucasions are purported to seek the same relief. In addition, Rule 23 requires that only legitimate class actions confer federal jurisdiction, there must be questions affecting an "entire class" which predominate over questions affecting only individual members of the class.

As alleged in the plaintiffs' complaint, in addition to the racial distinctions among the plaintiffs, the plaintiffs themselves, distinguish themselves by those individuals who have sufficient background experience and qualifications for promotion yet alleged discrimination, with those individuals who not only lack background and experience but in addition contend that such requirements and the taking of Civil Service exams is of itself discrimination. Such inconsistency is not condusive to a class action under the federal rule.

5. That the plaintiffs have failed, under Rule 23, to notify all members of the class who could be identified through reasonable effort. This presumably would include all individuals employed at the Department of Social Services since there are only 830 people so employed and no such notification was maintained. Rule 23(c) states:

> "In any class action maintained under subdivision (b)(3), the court shall direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort."

Having failed to even attempt such notification, this action is improperly brought.

6. In addition, Rule 23(b) precludes the maintenance of this action in that there is no allegation of improper conduct on behalf of the defendants generally applicable to all of the plaintiffs or "class." Indeed, several of the plaintiffs

are no longer employed by the Department of Social Services and at least in the case of Linda Gaffney, is no longer residing within the jurisidction of this Court.

7. That your deponent also urges this Court to grant the relief requested in the annexed motion under Rule 12(b) of the Federal Rules of Civil Procedure in that this Court lacks jurisdiction under such a variety of matters which the plaintiffs attempt to improperly join as a "class action." The allegations of plaintiffs' complaint do not set forth sufficient basis for jurisdiction of this Court.

8. That the allegations of the plaintiffs' complaint fail to state a claim upon which relief can be granted and fail to join all proper parties under Rule 19 and 12(b) of the Federal Rules of Civil Procedure. The complaint does not allege discrimination generally but limits itself solely to the question of promotional discrimination which is not properly plead nor before this Court.

9. That of the approximately 830 people employed by the Monroe County Department of Social Services, approximately 13.5% are Negro, Spanish surname individuals and over 50% are female while the overall minority population of the County of Monroe is 8%. This fact was confirmed by Morris A. Lawrence for Lloyd G. Bell, Director for the Equal Employment Opprotunity Commission. Under Title VII of the Civil Rights Act of 1964, upon which the plaintiffs presumably rely, the plaintiffs and this Court based upon this determination, may not recover or

even draw an inference of discrimination in hiring of the above named defendants.

10. That your deponent notes and it is not denied that the only basis for even the inference of discrimination by the Equal Employment Opportunity Commission was purely statistical and no facts have been alleged by the plaintiffs in their complaint to show specifically any general policy of discrimination by the defendants. As a matter of law, their pleadings are fatally defective and this Court must summarily dismiss this action.

11. That your deponent, upon information and belief, knows that said defendants have since January 1, 1973 and even before that date, be re-evaluation and constantly working with minority individuals, including Irvin Gill, Robert Zieglar, and Charles Campbell and other above named plaintiffs, make efforts to increase the percentage of minority members in upper promotional positions, without adversely affecting the quality and effectiveness of the Social Services supply to the Monroe County community at large.

12. That your deponent incorporates by reference for purposes of this motion, the answersubmitted in the same entitled action on December 16, 1975.

13. That upon all those statements made to your deponent by the plaintiff Michele Cournoyer, are hereby made a part of this motion, at least one plaintiff, Michele Cournoyer and possibly

others, named in the complaint, were unaware and did not consent to the initiation of this lawsuit and the attendant demand for forty million dollars in damages. That based upon these disclosures, this Court should order this suit be dismissed, or in the alternative, require a signed affidavit of the individuals before they can be included as plaintiffs and should further order a reduction in the addendum as to monetary damages.

14. That your deponent has been served with various disclosure motions which purport to be in accordance with Federal Civil Service Rules 33 and 34 and which consist of four notices to take deposition commencing on the 20th day of January, 1976 and ending on February 11, 1976; a notice to produce which is 22 pages in length and contains over 91 separate demands; a First Interrogatory Propounded by Plaintiff which consists of 37 pages of material and 70 itemized paragraphs of demand. That in addition, the plaintiffs Zieglar, Gill and Fitzhugh had sought in a state action and received an order for the production of various files and records of the defendants. That the production of all of these items by the defendants is a physical impossibility and would lead to great financial and administrative costs, all of which is without necessity. That upon information and belief, and annexed to the plaintiffs' complaint, are various notices of right to sue signed by Herbert A. Goldsmith, Jr. and which notices to sue identify various records, files and material which the defendants have already made available to the plaintiffs and which file is

currently in the possession of the Equal Employment Opportunity Commission, One West Genesee Street, Room 1020, Buffalo, New York 14202. That in view of all of the above, such discovery motions amount to nothing more than harassment and your deponent moves, should the Court fail to grant your deponent's motion to dismiss, for a protective order staying all such discovery proceedings, until and unless the plaintiffs can show the necessity for such discovery pleadings and specifically showing that the items sought to be discovered are not available to the plaintiffs and are in fact necessary for the prosecution of a valid federal action. That in addition, the plaintiffs have requested various and sundry material which is not only not necessary for this action, but is of a confidential and personal matter and which violates the rights of those individuals to object to the copying of such material, (i.e. personnel files, etc.). That under Rule 26(c) of the Federal Rules of Civil Procedure, such abuse of the discovery proceeding is designed to protect the defendants from such annoyance, embarassment, oppresion and undue burdon and expense.

15. That in addition, the above entitled action is barred by the statute of limitations as several acts complained of in the plaintiffs' complaint are greater than three years old. Kaiser vs. Dahn, 510 F. 2d 232.

WHEREFORE, your deponent respectfully requests that this Court grant the relief requested in the annexed notice of motion and for such other and proper relief as to this Court may seem just and proper.

s/ Joseph C. Pilato
Joseph C. Pilato

WILLIAM J. STEVENS
Attorney for Monroe County
JOSEPH C. PILATO of Counsel
307 County Office Building
Rochester, New York 14614

Sworn to before me this

16th day of January, 1976.

s/ Mary C. Hendrick

Notary Public

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEZ PAGE, DOROTHY DOBSON, RAVELLA FLOYD, INEZ CHARLES, EVELYN FAIRWELL, ALICE ZEALY, GEORGE HOLMES, ENOCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES McDONALD, DAISY MAE BANKS, MICHELLE COURNOYER, LUZ MARTINEZ, MARIE WARE, ALBERTA FERGUSON, SADIE JOHNSON, individually and on behalf of all other persons similarly situated,

Plaintiffs

-vs-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, Director of Monroe County Department of Social Services, MONROE COUNTY CIVIL SERVICE COMMISSION, OFFICE OF CIVIL SERVICE & PERSONNEL OF MONROE COUNTY, FRED LAPPLE, Executive Director, Office of Civil Service & Personnel of Monroe County, GABRIEL RUSSO, Director of Human Resources of Monroe County and MONROE COUNTY,

Defendants.

NOTICE OF CROSS-MOTION AND MOTION TO COMPEL DISCOVERY; OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS

CIV-75-520

PLEASE TAKE NOTICE that upon the annexed affirmation of Emmelyn Logan-Baldwin, dated January 23, 1976 and upon all the papers and proceedings heretofore had herein, plaintiffs will move at a motion term of this court at the Federal Court House, State Street, Rochester, New York at 10:00 a.m. or as soon thereafter as counsel can be heard on January 26, 1976, for an order compelling the defendants to produce documents pursuant to plaintiffs' First Notice to Produce dated December 30, 1975, and duly served on the defendants herein, for an order compelling the defendants

to answer the interrogatories pursuant to plaintiffs' First Interrogatories Propounded by Plaintiffs dated December 31, 1975 and duly served on the defendants herein, for an order compelling the defendants and/or their agents or employees to appear for depositions pursuant to notices duly served herein and/or for an order precluding the defendants from proof in defense of plaintiffs' claims herein and for such other and further relief as to the court may seem just and proper.

PLEASE TAKE FURTHER NOTICE that upon the same papers and at the same time and place, plaintiffs will oppose defendants' Motions to Dismiss and for protective order dated January 14, 1976 and January 16, 1976.

Emmelyn Logan-Baldwin
Attorney for Plaintiffs
Office and P.O. Address:
510 Powers Building
Rochester, New York 14614
Telephone: 716-232-2292

January 23, 1976

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, et al, individually and on behalf of all other persons similarly situated, Plaintiffs, -vs- MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, et al, Defendants.	AFFIRMATION IN SUPPORT OF CROSS-MOTION TO COMPEL DISCOVERY; OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS CIV-75-520

Emmelyn Logan-Baldwin, under penalties of perjury, affirms the following:

1. I am an attorney at law duly licensed to practice my profession in the State of New York. My offices are located at 510 Powers Building, Rochester, New York. I am a member of the bar of this court. This affirmation is made in support of plaintiffs' Cross-Motion to Compel Discovery and in Opposition to defendants' motions to dismiss and for protective order.

2. Plaintiffs' requests for relief should be granted. Defendants' motions to dismiss are untimely; moreover, there is no basis in law for defendants' motions to dismiss. Pleadings are to be liberally construed. For purposes of a motion to dismiss, all of the allegations of plaintiffs' complaint are taken as true. The pleading must be given its most favorable reading in the interest of concluding that there is a statement of a claim. In the complaint, plaintiffs outline a pattern, practice, custom and usage of discrimination on the basis of race, sex, color or national origin in violation of law carried out by the defendants and continuing to date. Defendants

Defendants' suggestion that the complaint fails to allege facts to state a cause of action ignores the detailed enumeration of discrimination. Plaintiffs' Motion to Compel Discovery should be granted and defendants' Motion for a Protective Order should be denied. All of the matters sought to be discovered in plaintiffs' Notice to Produce and plaintiffs' First Interrogatories are relevant and must be disclosed. Defendants, their agents and/or employees must appear for the depositions, as noticed.

3. This action was initiated by the service of a summons and complaint on December 1, 1975. Answers from all defendants were received by December 17, 1975. Plaintiffs' notice to produce was served on defendants on December 31, 1975. Plaintiffs' first interrogatories were served on defendants on January 2, 1976. Plaintiffs served notices for the depositions of James Reed, Gabriel Russo, LaMar Jackson and Richard Osterman on January 6, 1976.

4. Defendants' motions to dismiss are not timely. Federal Rule 12 outlines the "one motion rule" of federal practice. You can make one motion prior to serving the answer. If a motion is to be made before the answer, then the motion can address the following grounds: 1. Lack of jurisdiction over the subject matter. 2. Lack of jurisdiction over the person. 3. Improper venue. 4. Insufficiency of process 5. Insufficiency of service of process. 6. Failure to state a claim upon which relief can be granted. 7. Failure to join a party.

5. Defendants herein chose to answer rather than to move initially on any of the Rule 12(b) grounds. Defendants

cannot so move at this juncture but rather the case must proceed through discovery and to trial with the defendants raising any defense they have preserved in their answers at the time of trial.

6. Since Rule 12(b) provides that every defense in law or fact to a claim for relief in any pleading must be asserted in the responsive pleading, defendants are limited now, of course, and at trial to those defenses which they have raised in their answers. They cannot, as they attempt to do, by the untimely motions served herein elaborate on defenses. By failing to raise the contentions that plaintiffs lack standing to sue, that the action is barred by the statute of limitations, that the plaintiffs have aided, abetted, condoned and contributed to the acts of the defendants and are without clean hands in their answers, defendants can not now raise these defenses by untimely motion.

7. Moreover, there is no basis in law for any of defendants' grounds for dismissal. First, the complaint states a cause of action.

8. This is an action for injunctive relief and declaratory judgment and money damages to secure rights to equal employment opportunities. The action arises under the United States Constitution, the First, Ninth and Fourteenth Amendments, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§1981 and 1983.

9. Plaintiffs allege that the defendants discriminate against them with respect to compensation, terms, conditions and privileges of employment on the basis of race, color, sex and national origin and that the defendants maintain a pattern and practice of limiting, segregating and classfying

employees in ways which deprive the plaintiffs of equal employment opportunities and otherwise adversely affect their status as employees on the basis of race, sex, color and national origin. Plaintiffs allege that defendants maintain a policy and practice of discriminating against their minority employees by maintaining, for example, discriminatory (1) hiring practices, (2) job classification systems and pay scales, (3) promotion practices, (4) training programs (5) transfer practices, (6) allocation of titles, (7) testing systems and other appointment criteria and (8) provisional appointment systems. Discrimination is fostered by the use of a subjective employee evaluation process, failing to post job openings, by word of mouth recruitment, by use of a system of appointing whites for jobs from civil service lists unrelated to the job, by allocation of travel moneys and opportunities to whites, and by assigning work on the basis of race and national origin. Defendants foster an atmosphere in the employment situation calculated to harass, embarrass, humiliate and cause minority employees to "keep his/her place." Defendants have retaliated against minority employees for complainaing of illegal employment practices.

10. The claims here are claims of pervasive and continuing employment discrimination. On a motion to dismiss, allegations of the complaint are construed as true.

11. Case law is well settled that claims set forth in the complaint constitute well pleaded claims of discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§1981 and 1983, and the United States Constitution, the First, Ninth and Fourteenth Amendments.

12. All of the plaintiffs are present, past or prospective employees of the defendants. The plaintiffs are employees as defined in Title VII of the Civil Rights Act of 1964. The case law is also well settled that the plaintiffs herein are proper parties in terms of the court's interpretation and application of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§1981 and 1983 and the United States Constitution. All of the plaintiffs have suffered injury in fact by reason of the unlawful activity of the defendants. All of the plaintiffs are within the zone of interests sought to be protected by the statute and/or constitutional provision in question. There is no legitimate question that these plaintiffs lack standing to bring this law suit. In fact, the defendants in their respective answers admit the employment relationship which has existed between the respective plaintiffs and defendants and as well admit dates of employment.

13. Nor is there any legitimate question that the defendants can be sued. All of the defendants are employers within the meaning of Title VII of the Civil Rights Act of 1964. In fact, in their respective answers, the defendants admit in numbered paragraph 1 the allegations of the status of the defendants, including the allegation that the defendants are employers within the meaning of Title VII.

14. The defendants are also properly before this court because as entities of government they are subject to the United States Constitution as that constitution has been made applicable to the states by the Fourteenth Amendment. A political subdivision of the state is accountable for violations

of the Fourteenth Amendment. The claims of the plaintiffs arise under the Constitution; a federal question is properly before the court.

15. Additionally, plaintiffs allege that the individual defendants have taken action under color of state law and have subjected and continue to subject the plaintiffs and other persons similarly situated to deprivation of rights secured by the Constitution and laws of the United States. The individual defendants have denied plaintiffs and others similarly situated of the right to make and enforce employment contracts. Case law is well settled that individual defendants are liable for their illegal acts, as alleged, under 42 U.S.C. §§1981 and 1983.

16. All defendants that need be named are named in this law suit. Defendants include the employers, past employers or prospective employers of plaintiffs. Defendants also include the persons and governmental entities which participate in the selection of employees for the Monroe County Department of Social Services. The New York State Civil Service Commission is not an indispensable party defendant. The defendants before the court are the parties that have full control over the selection process for employees of the Monroe County Department of Social Services. Defendants are, of course, free to claim over against the New York State Civil Service Commission if they can indeed make claim that all or a part of the judgment which might be rendered in this case should be paid by the New York State Civil Service Commission. However, the plaintiffs are past, present or prospective employees of a

Monroe County agency-not a New York State agency. So far, the defendants have presented no facts substantiating the basis for a possible claim over against the State of New York.

17. All of these claims are properly before the court having been filed in timely fashion. Most of these claims were first filed with the Equal Employment Opportunity Commission. The Commission determined that the claims were properly filed pursuant to Title VII of the Civil Rights Act of 1964 and that the Commission therefore properly had jurisdiction over the charges. The Commission investigated those charges and found that the charges stated "reasonable cause". Because conciliation efforts failed, the Commission issued Right to Sue Notices to all persons who had filed claims. This action was brought within 90 days of the receipt of the Right to Sue Notices.

18. The determination of the Commission that the claims were properly and timely filed is entitled to great weight since the Commission is the administrative agency with the primary responsibility for interpreting, applying and enforcing Title VII. Further, it is well settled that once employees of a certain employer process claims pursuant to Title VII and thereafter begin a class action law suit, the claims of other employees of that employer who have not processed claims with the Commission can nevertheless be properly joined with those processed claims so that hearing on the eliminating the alleged discrimination can be expedited.

19. There can, in the last analysis, be no question of the timeliness of these claims. The discrimination alleged by

the plaintiffs is that of continuing employment discrimination. The statute of limitations does not begin to run on these claims until the last act of discrimination has been concluded. Since the discrimination continues, the statute of limitations has not even begun to run on these claims. Plaintiffs could file their claims today, tomorrow, next week or next month sometime and still be timely in making complaint.

20. The fact that plaintiffs, Gill, Zieglar and Fitzhugh still have pending some claims before the New York State Division of Human Rights is no basis for the defendants to object to their participation in this law suit. Title VII of the Civil Rights Act of 1964 mandates that all claims of employment discrimination filed with it be referred to the state agency if there is a state agency available. The Equal Employment Opportunity Commission must wait 60 days before initiating its investigation of a complaint when there is a state administrative agency that deals with employment discrimination. The remedies before the state agency and the federal court however, are separate, distinct and independent of each other. Federal courts have held, without exception that a person with an employment discrimination complaint is entitled to his/her day in federal court notwithstanding that there might be other remedies available or being pursued in some state agency. The courts have given practical application to Congress' directive that employment discrimination be immediately eliminated and Title VII should be interpreted to accomplish those ends. Plaintiffs here have not been required to elect a remedy for employment discrimination between state and federal forums, as defendants suggest; there is no such election embodied in

the anti-discrimination laws.

21. Both in their answers and in their papers on motion to dismiss, defendants assert the conclusion that they have complied with the laws; they have asserted the affirmative defense that they have not discriminated. Defendants assert that they do in fact employ some minority persons and have made efforts to increase the "...percentage of minority members in upper promotional positions, without adversely affecting the quality and effectiveness of the Social Services supplied to the Monroe County at large." (See paragraph 11 of Joseph C. Pilato's affidavit submitted on behalf of defendants.)

22. Whether the defendants have in fact discriminated is, of course, the question of ultimate fact to be decided after discovery between the parties and a full trial of the issues between the parties on the merits. The parties certainly dispute the fact of whether there has been discrimination or not. In this posture of the pleadings, plaintiffs' allegations must be construed as true. Plaintiffs dispute even defendants' assertion that a certain percentage of the work force of the Monroe County Department of Social Services is minority. Plaintiffs believe that these percentages have been calculated by including persons who are not properly counted as Monroe County Department of Social Services employees. That there is dispute even as to the percentage of minorities employed is evident from comparing the figures used by defendant Reed and the figures used by attorney Pilato, attorney for Monroe County and other defendants. (See Joseph C. Pilato affidavit, paragraph 9 and compare with James Reed affidavit, paragraph 2.)

23. In any event, the actual percent of minorities employed in the Monroe County Department of Social Services is not ultimately dispositive of the question of whether the defendants have discriminated and are discriminating. Plaintiffs allege a pattern and practice of recruiting, transferring, paying, promoting, and so forth engaged in by the defendants to advance employment opportunities for white employees to the detriment of minority employees. In a nutshell, the white employees get the high paying opportunities solely because they are white. Minorities are denied good jobs. Defendants admit as much in the statement of Joseph C. Pilato who indicates that the defendants are making efforts to..."increase the percentage of minority members in upper promotional positions..." And the discriminatory attitude of the defendants toward minorities is as well admitted by that same statement which continues indicating that such a promotion is limited so as not to "...adversely [affect] the quality and effectiveness of the Social Services ...". Defendants assert that minority persons as a class are unqualified.

24. Moreoever, notwithstanding that there are some minority persons employed by the defendants in the Monroe County Department of Social Services, the Equal Employment Opportunity Commission found"reasonable cause" to believe that employment discrimination has occurred, as the plaintiffs allege. A copy of that determination is attached hereto and made a part hereof as Exhibit A.

25. Defendants Monroe County Civil Service Commission, Office of Civil Service and Personnel of Monroe County, Fred Lapple, Gabriel Russo and Monroe County, by their attorney, Joseph C. Pilato, allude to an application for summary judgment in the Joseph C. Pilato attorney affidavit. There is no basis for any such motion if the papers of those defendants can be construed as requesting such relief. Every material issue of fact between the parties is in dispute. Moreoever these defendants have not submitted papers to the court which would support such a motion. Rule 56(e) requires that supporting papers must be made on personal knowledge and set forth facts as would be admissable in evidence and show affirmatively that the affiant is competent to testify to the matter stated therein. Information submitted to the court by these defendants is not based on personal knowledge but rather is based on information and belief.

26. Even if a motion for summary judgment were properly before the court, and/or if the court would construe the motion for summary judgment to be before the court, plaintiffs request that they be permitted to complete the depositions noticed and have the interrogatories already served answered and have the documents produced pursuant to the notice to produce duly served herein, prior to the court's ruling on such application. Proof of discrimination which plaintiffs will use in defeating such a motion is exclusively in the control of the defendants in employment records, written employee policies, employment tests and the like. Plaintiffs duly moved to proceed with discovery relating to their claims; they are entitled to complete that discovery

expeditiously and in advance of this court's hearing any motion for summary judgment.

27. Plaintiffs properly maintain this law suit as a class action. In numbered paragraphs 41-43 of the complaint, plaintiffs plead all of the necessary allegations for a class action. In summary, the plaintiffs allege that the class is so numerous that joinder of all members is impractical, there are questions of law or fact common to the class, the claims or defenses of the representive parties are typical of the claims or defenses of the class, the representative parties will fairly and adequately protect the interests of the class. Additionally, prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class, the party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole and questions of law or fact common to members of the class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

28. Plaintiffs allege that this action, therefore, may be properly maintained pursuant to Rule 23 of the Federal Rules as a class action. Plaintiffs suggest that this is a Rule 23(b)(2) or a Rule 23(b)(3) class.

29. The proper procedure, contrary to what defendants suggest in their papers, is for the court to determine, as soon as practicable after the commencement of an action brought as a class action, whether the action may be so maintained. Plaintiffs do not send notices to class members until such a determination is made. In fact, there would be no notice required if this action is designated as a Rule 23(b)(2) class as plaintiffs suggest.

30. Plaintiffs will in due course bring on their own motion for the court to designate this law suit a class action. However, plaintiffs are entitled to proceed with the discovery already noticed and complete that discovery before making the motion respecting class action. The court has discretion to require hearing on such a motion and plaintiffs need information as to number of employees, distribution of employees and the like which is in the control of the defendants to prepare those motion papers.

31. Plaintiffs seek to represent a class consisting of minority persons who have been employed, are employed, might be employed or have made application to be employed and who because of the illegal discriminatory practices alleged have been denied employment and/or advancement opportunity within the Monroe County Department of Social Services. Plaintiffs do not seek to represent white employees as defendants suggest. However, there is no problem with one of the plaintiffs herein being white and also seeking to be a class representative along with other minority plaintiffs.

The question with respect to a class being fairly and adequately represented relates to the qualifications and positions of the plaintiffs in relation to other employees sought to be represented. As is evident from the pleadings, the representative plaintiffs in this case are representative of the various minority employees of the defendants and therefore are ideal class representatives.

32. There is no basis for the applicability of 28 U.S.C. §1359 to this case. This statute relates to preventing artificial creation of diversity of citizenship among the parties to invoke the diversity jurisdiction of the federal courts. This case is not maintained on the basis of diversity jurisdiction but on the basis of jurisdiction pursuant to the Constitution, Title VII and 42 U.S.C. §§1981 and 1983.

33. Plaintiffs will be submitting to the court the stipulation of the parties to voluntarily discontinue this law suit as to plaintiff Michelle Cournoyer, pursuant to Rule 41(a). Plaintiff Cournoyer is one of the plaintiffs who signed a written charge of discrimination and filed that written charge with the Equal Employment Opportunity Commission. The Commission investigated her allegations and found "reasonable cause" to believe discrimination has occurred and is occurring. The Commission issued her a Right to Sue Notice, a copy of which is attached to the complaint herein. Plaintiff Cournoyer along with the other plaintiffs authorized me to initiate this law suit after receipt of the Right to Sue Notice. However, since the law suit has been filed, she has been employed by defendant Gabriel Russo in a position of responsibility. Plaintiff

Cournoyer has informed me, at this time, she does not wish to pursue the claims and has therefore authorized the voluntary discontinuance of the action as to her claims.

34. I am in constant contact with each plaintiff herein and will keep the court and counsel for the defendants advised of any further applications by any plaintiff with respect to pursuing these claims. Plaintiffs should not be required to execute any sort of special permission or authorization forms to pursue this law suit. Such a suggestion is directly contrary to the letter and spirit of Title VII.

35. Finally, there is no defense, as suggested by the defendants, that the plaintiffs have aided or abetted discrimination against themselves or have consented to discrimination against themselves. The fact that some of the plaintiffs remained employed by the defendants in no way indicates their consent to or acceptance of the discrimination practiced. All the plaintiffs, as noted above, have timely objected to the employment discrimination. Nor does the assertion by the defendants that some plaintiffs have not taken certain examinations constitute a defense. Plaintiffs allege that defendants engage in a policy, practice, custom and usage of failing to post job openings. Thus, in many instances, plaintiffs had no knowledge of openings. Furthermore, plaintiffs allege a pattern, practice, custom and usage of the defendants provisionally appointing whites to jobs so that white employees would obtain on-the-job training and therefore have advantage over other applicants

in the ordinary civil service examination process. Plaintiffs, therefore, were excluded from effective consideration for positions long before examinations, if announced, were announced.

36. Plaintiffs' motion to compel discovery should be granted. Defendants' undocumented assertion that the discovery requests are broad, general, irrelevant, voluminous and harassing are not proper objections nor is there any basis in fact for those assertions.

37. All the materials sought by the First Interrogatories and Notice to Produce are relevant as a matter of law. Case law is settled that in an employment discrimination case, whether that complaint be described as a "individual complaint" or a "class" complaint, the plaintiffs are entitled to documentary and statistical evidence to show the general employment picture and to demonstrate the employment patterns, practices, customs and usages of the employer. In demonstrating the employment scene, a plaintiff is entitled not only to information from 1965 to date, as plaintiffs request herein, but plaintiffs are entitled to information prior to 1965, the effective date of Title VII since past discrimination is relevant to showing the impact and effect of present discrimination. There is no basis, therefore, for defendants' request that they be relieved of producing materials prior to 1972. Plaintiffs could in fact have requested more information than that presently sought. Plaintiffs underscore that the Notice to Produce and the First Interrogatories embody initial requests only and they in no way should be construed as representing the production to which plaintiffs might be ultimately entitled.

38. Not only are plaintiffs entitled to all of the information requested pursuant to the well established case law applying Title VII but plaintiffs are entitled to that information because it falls within the ambit of discoverable information under Rule 26. It is information, not privileged, which is relevant to the subject matter involved in the pending action or it is information which appears reasonably calculated to lead to the discovery of admissable evidence.

39. As to the specific requests of plaintiffs' notice to produce, item 1 requesting the personnel records of the named plaintiffs and a list of other individuals is relevant to the comparison of plaintiffs' employment to those of other employees. This data is the essential data used in employment discrimination cases to establish equal pay claims. There is no basis for the defendants to assert that the information is personal or confidential., Case law is clear in establishing that where personnel records are relevant, they must be produced.

40. Items 2-8 of plaintiffs' Notice to Produce require the production of the defendants' affirmative action plan or plans or other specified documents relating to the plans and the monitoring of the plans by government agencies. These documents are public documents and would need to be produced on request by any interested member of the public. The documents are relevant to the determination of the complete employment picture of the defendants and will

demonstrate the under-utilization of women and minorities by defendants.

41. Items 9-12, 15, 37, 73-81, 85-86, 88-89 require the production of documents containing comparative data on other employees of the Monroe County Department of Social Services which is directly relevant to the determination of the claims of the denial of equal employment opportunities, including, but not limited to, the denial of equal pay, equal hiring, equal promotion, equal transfer, equal classification, and other terms and benefits of employment.

42. Items 13, 16-21, 23-28 require the production of documents relevant to show the particular discriminatory employment practices and policies, how these practices and policies may have changed, how these practices and policies affect the plaintiffs herein and how the defendants plan to change these practices and policies.

43. Item 14 requires the production of the document or documents constituting the written tests for positions in the Monroe County Department of Social Services. These documents are directly relevant to the establishment of the claims that these tests are discriminatory on their face and in application and are not validated as required by law.

44. Item 22 requires the production of documents indicating other complaints of employment discrimination against defendants. Plaintiffs have alleged that the discrimination practiced against them is likewise practiced against other persons. These documents are directly relevant to the allegation of pattern and practice of discrimination.

45. Items 29-30, 34-35 requiring documents relating to the employment picture of defendant Monroe County are relevant to the determination of plaintiffs' claim of discriminatory employment practices of defendant Monroe County. These documents will demonstrate the under-utilization of minorities and are directly relevant to show the pattern and practice of employment discrimination.

46. Item 31 requiring the production of documents constituting correspondence between the Monroe County Department of Social Services and the Monroe County Department of Social Services Minority Recruitment Committee, is relevant to determine what action, if any, defendant Monroe County Department of Social Services, is taking with regard to their discriminatory employment practices.

47. Items 32-33, 36 requring production of the organizational chart of Monroe County Department of Social Services, the job evaluation study of the Monroe County Department of Social Services, and writings relating to the applications of certain named individuals for employment with the Monroe County Department of Social Services, are directly related to the claims of the plaintiffs that defendant Monroe County Department of Social Services maintains discriminatory employment procedures including, but not limited to, a denial of equal pay, equal hiring, equal promotion, equal transfer, equal classification and other terms and benefits of employment.

48. Item 38 requires the production of writings relating to a statement by an employee of the Monroe County Department of Social Services stating that employees of the department who would talk with news media relative to discrimination complaints filed with the Equal Employment Opportunity

Commission would put their jobs in jeopardy. These documents are directly related to plaintiffs' claim that plaintiffs are treated in a discriminatory manner with regard to their employment situation and when attempts are made by them to correct the situation, retaliation is threatened by the Monroe County Department of Social Services.

49. Items 39-46 require the production of documents relating to the particular claim of discrimination by Irvin A. Gill. These documents are directly relevant to the individual claims that the defendants deny equal employment opportunities to plaintiffs. These documents must be produced.

50. Items 47-48, 50-58 require the production of documents relating to the particular claims of discrimination by Robert M. Zieglar. These documents are directly relevant to the individual claims that defendants deny equal employment opportunities to plaintiffs. These documents must be produced.

51. Items 59, 65-71, 91 which require the production of documents pertaining to the overall evaluation of an individual as a potential employee or as a continued employee, are directly relevant to the determination whether the criteria used by a defendants including the evaluation techniques, use of examinations, educational requirements and other indices of employment potential are discriminatory practices for hiring, promotion, transfer, salary increases, and other employment benefits.

52. Item 61 which requires the production of documents relating to the New Careers Program of Monroe County is directly relevant to the individual claims by certain named employees of the Monroe County Department of Social Services who were employed in that program.

53. Items 62 and 72 which require the production of documents relating to provisional appointments are directly relevant to plaintiffs' allegation that the defendants discriminate against the plaintiffs and other minority employees by maintaining a discriminatory policy, practice, custom and usage of excluding minorities from employment opportunities by making provisional appointments of whites without requiring those whites to take the competitive examinations.

54. Items 63 and 82 which require the production of documents pertaining to merit increases and annual salary increases are directly relevant to the claim of plaintiffs that defendants maintain a discriminatory practice and policy in salary and other terms and conditions of employment.

55. Items 64, 83-84, 87, 90 which require the production of documents relating to bi-lingual positions, educational leave of absence, leave of absences, and geographical assignments are directly relevant to show the content of these employment practices and policies of the defendants, and to the determination of how these employment practices have been used in a discriminatory manner when applied to plaintiffs.

56. In summary, all of the documents requested in plaintiffs' Notice to Produce are relevant to the issues in this case and must be produced. For these reasons plaintiffs respectfully request that their Motion to Compel Discovery be granted.

57. All the information requested by plaintiffs' First Interrogatories are relevant as a matter of law in an employment discrimination case. Pursuant to FRCP 26(b)(1)

all matter not privileged which is relevant to the subject matter of the suit is discoverable. This applies equally to interrogatories as to a demand for the production of documents.

58. Defendants raise only the general question of burden and irrelevancy, but make no specific objections to any specific request in plaintiffs' First Interrogatories. FRCP 33 provides that each interrogatory shall be answered separately and fully in writing unless it is objected to. This rule requires therefore, that any objection must be made to the specific interrogatory. A general objection that interrogatories are burdensome, general, or broad is insufficient.

59. As to the specific requests of plaintiffs' First Interrogatories, Interrogatory 1-11, 54-56, 58-59 are relevant to the determination of the complete employment picture and its recent history. Past employment practices and policies are directly relevant to the present employment policies and practices. Plaintiffs are entitled to information as to statistical evidence of the patterns, and practices of defendants which illustrate the general employment scene.

60. Interrogatories 12 through 19 are directly relevant to determining the practices and procedures used by defendants in processing applicants for jobs.

61. Interrogatories 20-26, 63 request information necessary to determine the criteria used by defendants in evaluating potential and present employees which is directly relevant to plaintiffs' claims of discrimination in hiring, promotion, transfer, and other employment practices of defendants.

62. Interrogatories 27-30 which request information concerning the examinations are directly relevant to plaintiffs' claims that the examinations used by defendants are invalid and discriminatory on their face and as applied to plaintiffs and other minorities.

63. Interrogatories 31, 32 and 57 are directly relevant to plaintiffs' claim of the denial of equal opporutnities to gain on-the-job experience and other training programs.

64. Interrogatories 33 and 34 call for statistical information on applicants, hires, and promotions which relate to the general employment situation of defendants. This information is always relevant to a pattern and practice employment discrimination suit.

65. Interrogatories 35 and 26 request information on policies concerning seniority which are directly relevant to allegations that the seniority system as applied has a discriminatory impact on plaintiffs.

66. Interrogatories 37 and 38 request information concerning the methods of informing individuals of job openings. This information is directly relevant to the allegation that defendants maintain a word-of-mouth recruitment system and other discriminatory recuriting methods which act to the advantage of whites and to the disadvantage of blacks and other minorities.

67. Interrogatories 39 and 40 seek information as to those employees who have requested promotion and/or transfer. This information is directly relevant to the allegations that defendants maintain a discriminatory policy and practice in both promotion and transfer.

68. Interrogatories 41-44 request information concerning salary and merit increases. This information is directly relevant to the allegation by plaintiffs that defendants maintain discriminatory policies and practices in regard to pay, salary ranges, merit increases, and other benefits of employment.

69. Interrogatories 45-47 request information and statistics relating to the number of black and Spanish surnamed Americans employed in various job categories. This statistical evidence and information is directly relevant to establishing a pattern and practice of discrimination in employment.

70. Interrogatories 48, 49 and 53 request information concerning other complaints or petitions of employment discrimination against defendants. Plaintiffs allege that discrimination practiced against them is likewise practiced by defendants against other blacks and minorities. These documents, therefore, are directly relevant to this allegation of a pattern and practice of discrimination.

71. Interrogatories 50-52 request information concerning any review by the United States government of defendants' employment practices. Entities which contract with the United States government in excess of $50,000 are required to maintain affirmative action programs. This information is directly relevant to demonstrate the under-utilization of women and minorities and is directly relevant to show the pattern and practice of employment discrimination by defendants.

72. Interrogatories 60-62 requesting information on

employee benefits are directly relevant to plaintiffs' claim that defendants discriminate against the plaintiffs and other minority employees by denying them employee benefits which accrue to those employees in the career-oriented jobs which are given to white employees.

73. Interrogatories 64 and 65 request information concerning provisional appointments of employees. This information is directly relevant to plaintiffs' claim that defendants use the system of provisional appointments in order to hire whites without their being required to take the competitive examination, which works to the advantage of the whites and to the disadvantage of the blacks and minorities.

74. Interrogatories 67-70 which request information concerning the granting of educational leaves and the assignment of employees to work with particular clientele are directly relevant to the plaintiffs' allegation that defendants deny plaintiffs equal employment benefits and equal opportunity to pursue career-oriented jobs when the education, skill and professional competency of the minority employees equals or exceeds that of the white employees.

75. Defendants suggest that they have previously furnished some information to the Equal Employment Opportunity Commission. Further defendants suggest that they are being required to produce information for some of the plaintiffs in matters pending before the New York State Division of Human Rights. The fact that the defendants are being required to produce documents in other proceedings does not relieve them of the obligation to produce documents in this proceeding. I have indicated

to counsel for defendants that in all circumstances that in all circumstances, I will cooperate with them in expediting production of these documents. If a document has already been produced in another matter and I have a copy of that document, I do not want to another copy of the document.

76. In summary, plaintiffs' Motion to Compel Discovery should be granted and the defendants should be ordered to answer all of plaintiffs' First Interrogatories. Further, defendants should be ordered to appear for depositions duly noticed. The Federal Rules provide that a party may take the deposition of any person. I have noticed the depositions of defendants and/or or agents or employees of the defendants with knowledge of defendants' employment practices. There can be no reason why these persons should not appear for depositions.

77. For the reasons stated above, plaintiffs respectfully request that their motions herein be granted in all respects and that the defendants' motions herein be denied in all respects. Plaintiffs further request that the court grant them costs, disbursements and attorney's fees for this motion and grant such other and further relief as to the court may seem just and proper.

Emmelyn Logan-Baldwin

January 23, 1976
Rochester, New York

Exhibit A

1 WEST GENESEE STREET
BUFFALO, NEW YORK 14202
(716) 842 - 5170

280

Case No. YBU4-167
Charge Nos.: See Below

Irvin A. Gill, et al
169 Earl Street
Rochester, New York
TBU4-0056 14611

Charging Parties

Monroe County Department of
Social Services
111 Westfall Road
Rochester, New York 14620

Respondent No. 1

Monroe County Civil Service Commission
and Office of Personnel and Human
Resources
County Office Building (Room 209)
39 Main Street West
Rochester, New York 14614

Respondent No. 2

DETERMINATION (1)

Under the authority vested in me by Section 29 CFR 1601.19b(d) of the Commission's Procedural Regulations (September 27, 1972), I issue, on behalf of the Commission, the following determination as to the merits of the subject charge.

Respondents are agencies of the County of Monroe, an employer within the meaning of Section 701(b) of Title VII of the Civil Rights Act of 1964, as amended. The timeliness, deferral and all other jurisdictional requirements have been met. Charging Parties have filed verified complaints with the New York State Division of Human Rights and the matter is currently under investigation.

(1) The remaining Charging Parties are listed at the conclusion of this determination.

Charging Parties allege that Respondent County Department of Social Services has engaged in and continues to engage in unlawful employment practices in violation of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, by discriminating against Negroes and Spanish-surnamed Americans because of their race and national origin, respectively, with respect to hiring, job assignments, promotional opportunities and other terms and conditions of employment.

Charging Party No. 2 further alleges that Respondent County Civil Service Commission has violated and continues to violate Title VII, as amended, by failing to prevent or correct the unlawful employment practices attributed to Respondent Department of Social Services.

Charging Parties are one Spanish-surnamed American, two Caucasian and twenty-eight Negro employees of Respondent County Department of Social Services. They allege that:

> there is a low number of minority people hired by our agency, especially above the caseworker aide level... There is a lack of job upgrading internally. (Minorities) rarely, if ever, reach a level beyond that of Supervisor. Thus minority points of view are omitted from administrative consideration.

A review of Respondent No. 1's records indicates that as of the payroll period ending January 20, 1974, it employed 828 persons, of whom 100 (12%) were Negroes and 12 (1.5%) were Spanish-surnamed Americans. According to 1971 State Labor Department statistics, the most recent statistics available, Respondent No. 1 is located in an area with a 7.3% Negro population and a .7% Spanish-surnamed American population.

Title VII permits the use of statistical evidence to infer the existence of a pattern or practice of discrimination in employment. On the basis of both the foregoing statistical data and the other evidence of record, it appears that no pattern or practice of discrimination exists with respect to Respondent No. 1's general hiring practices.

While this may be true when Respondent's overall hiring figures are considered, further analysis of the evidence of record reveals considerable disparity in the treatment of Negroes once in Respondent's employ.

(2) Although only Charging Party No. 2 has named the County Civil Service Commission as a Respondent, that agency has a direct involvement in and control over personnel decisions that affect the other Charging Parties. Moreover, the charges raise similar issues. Therefore, we deem it appropriate to consolidate the charges against both Respondents for determination herein.

In this respect, Respondent No. 1's records show that its lowest level supervisory positions are equivalent to Casework Supervisor (Grade 15) in the Service Division and Supervising Examiner (Grade 13) in the Certification Division. Respondent's records further show that there are thirty-two positions in the "officials and administrators" category which are classified at Salary Grade 16 or above. An attached chart shows the title, grade, annual salary range and race of current title-holder for each position above Grade 15.

Thus, while Negroes and Spanish-surnamed Americans represent 14% of Respondent's workforce, they account for only 3% of the department's upper-level managerial and administrative personnel.

It is not necessary here to decide whether the above-cited statistical evidence pertaining to the almost total absence of minorities from positions of administrative responsibility should be regarded as conclusively showing a violation of Title VII or whether they establish a prima facie case. It is sufficient to find that the pattern of racial discrimination depicted by these statistics has not been rebutted by any evidence of efforts by Respondent Department of Social Services to hire or promote qualified minorities into other than its lowest-level supervisory positions.

The inference of discrimination to be drawn from these statistics is supported by an examination of Respondent No. 1's recent promotion policies and practices.

Thus, Respondent's records show that with the exception of the Director of Social Services, Deputy Director of Social Services and Deputy Director, Human Relations, who are directly appointed to their titles by the County Manager, permanent appointments to titles above Grade 15 are required by State Civil Service law to be made from eligibility lists established as a result of competitive examinations prescribed and administered by either the State or County Civil Service Commission.

In order to be eligible to take such an examination, applicants must in all cases possess minimum educational and experiential qualifications. Until an examination can be prepared and scheduled and a certified list of eligible candidates compiled, Respondent No. 1's Director of Social Services has the authority to nominate an individual to serve on an acting or provisional basis without being required to first take a written competitive examination. Civil Service Law states that a provisional appointment may not exceed nine months before an examination is held. It is to be here noted that serving in a provisional capacity has in many cases permitted the appointee to obtain all or a portion of the experience necessary to be eligible to later take the competitive examination that is to be used as the basis for a permanent appointment.

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A review of the evidence reveals that the power to nominate provisional appointees has been used to benefit the Department's Caucasian employees exclusively with the result that members of minority groups have been effectively denied promotional opportunities. Thus, both the incumbent Director of Social Services and his predecessor have nominated only Caucasians to serve provisionally in positions above Grade 15, despite the fact that there are Negroes in the Department who are equally or better qualified than some Caucasians who have been nominated.

The evidence of record further reveals that the Director of Social Services in nominating provisional appointees considers an applicant's "ability to perform the work or to be trained for such work within a reasonable period or time and experience in a related field". We find that such standards are ambiguous and have been ignored in the case of some Caucasian provisional appointees. We think it reasonable to conclude that the Director is guided only by his subjective evaluation of an applicant's qualifications. Such a procedure is a ready mechanism for discrimination. Indeed it has been the Commission's experience that persons of one race dependent on the decisive recommendations of officials of other races cannot expect equal consideration and opportunity. We find that to be the situation here.

The evidence of record further discloses that prior to the latter part of 1973, Respondent-Department of Social Services did not post or otherwise generally announce those vacancies which were to be filled by provisional appointments. The conclusion is inescapable that only those individuals adjudged qualified i.e., Caucasians, were notified of such openings.

Title VII requires that recruitment activity, whether formal or informal, be so designed as not to exclude members of a particular race or national origin. Here, the effect of the Department's word of mouth recruiting has been to limit knowledge of available vacancies to potential Caucasian applicants, thus limiting the promotional opportunities of Negroes and Spanish-surnamed Americans.

On the basis of the foregoing evidence of record, we conclude that reasonable cause exists to believe that Respondent No. 1 is engaging in unlawful employment practices, as alleged.

The Commission withholds at this time a determination on the issue of whether the practice of offering civil service examinations in the English language has an adverse disproportionate impact on the employment opportunities of Spanish-surnamed Americans.

With respect to the allegations against Respondent Civil Service Commission, that agency is required by State law to:

1. prepare and conduct a competitive examination in sufficient time to prevent a provisional appointment from continuing for a period in excess of nine months and to

2. determine, by means of a non-competitive examination, whether a nominee for a provisional appointment is qualified.

The evidence of record reveals that Caucasians provisionally appointed to titles above Grade 15 in the Department of Social Services have been permitted to serve in such capacity for as long as three years before an eligibility list was compiled.

It further appears from the record that Respondent No. 2 has routinely approved provisional appointments made by the Director of Social Services without reviewing the qualifications of the appointees. Indeed, in several cases, it has approved such appointments even though the nominees did not meet the qualifications for their respective positions at the time of appointment. Inasmuch as Respondent Civil Service Commission has failed to oppose or correct the employment practices which we here find to be unlawful, we conclude that Respondent No. 2 itself is in violation of Section 703(a) of the Act.

Having determined that there is reasonable cause to believe the charge is true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. A "NOTICE OF CONCILIATION PROCESS" is enclosed for your information. A representative of this office will be in contact with each party in the near future to begin the conciliation process.

On behalf of the Commission:

6-27-74
DATE

Maurice A. Lawrence
LLOYD G. BELL, DISTRICT DIRECTOR

Enclosure: (1)
Notice of Conciliation Process

cc: Katherine Harris
400 Willington Avenue
Rochester, New York 14619
TBU4-0066
Charging Party No. 2

Robert M. Zieglar
~~503 Elmore~~ Avenue
Rochester, New York 14619
TBU4-0545
Charging Party No. 3

Marie E. Fitzhugh
187 Mennard Drive
Rochester, New York 14616
TBU4-0065
Charging Party No. 4

Charles Campbell
255 Lyndhurst Street
Rochester, New York 14605
TBU4-0074
Charging Party No. 5

Annie Hicks
49 Winterset Drive
Rochester, New York 14625
TBU4-0061
Charging Party No. 6

Inez Page
40 Strathmore Circle
Rochester, New York
TBU4-0060
Charging Party No. 7

Linda Gaffney
4084 West Henrietta Road
Rochester, New York
TBU4-0057
Charging Party No. 8

Ravella Floyd
69 Dranmore Road
Rochester, New York 14610
TBU4-0059
Charging Party No. 9

Evelyn Fairwell
3 Fight Square
Rochester, New York 14608
TBU4-0058
Charging Party No. 10

Salena Mathews
383 Champlain Street
Rochester, New York
TBU4-0064
Charging Party No. 11

Carolyn V. Taylor
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TBU4-0072
Charging Party No. 12

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TBU4-0077
Charging Party No. 13

Grace Rutherford
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TBU4-0069
Charging Party No. 14

Harriet Weathers
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Rochester, New York 14621
TBU4-0063
Charging Party No. 15

George H. Holmes
121 Thomas Street
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TBU4-0487
Charging Party No. 16

Enoch Morrison
173 Lewis Street
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TBU4-0489
Charging Party No. 17

cc: Ruby Blackwell
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Charging Party No. 18

Dorothy Dobson
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Charging Party No. 19

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TBU4-0067
Charging Party No. 20

Rosie Lee Robinson
850 Jefferson Avenue
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TBU4-0076
Charging Party No. 21

Betty Jo Travis
32 Edith Street
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TBU4-0075
Charging Party No. 22

Dorothy Latham
49 Vella Street
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Inez Charles
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TBU4-0073
Charging Party No. 24

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Luther Robinson
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Charging Party No. 26

Stella Holmes
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Charging Party No. 27

Daisy Mae Banks,
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Rochester, New York 14611
TBU4-0485
Charging Party No. 28

Eladia Fuentes
30 Biard Street
Rochester, New York
TBU4-0482
Charging Party No. 29

Dolores M. Allen
30 Blue Avocado Lane
Rochester, New York 14623
TBU4-0484
Charging Party No. 30

Velma Williams
114 Aberdeen Street
Rochester, New York 14619
TBU4-0431
Charging Party No. 31

Title	Caucasian	Negro	Spanish-Surnamed American	Asian-American	Annual Salary Range
Community Service Coordinator	1	-	-	-	$12,948-16,666
Supervisor of Claims and Accounts	-	-	-	1	13,962-18,018
Certification Supervisor	5	-	-	-	13,962-18,018
Administrative Caseworker	6	-	-	-	13,962-18,018
Coordinator of Staff Development	1	-	-	-	13,962-18,018
Planning and Research Coordinator	1	-	-	-	13,962-18,018
Manager of Systems and Administration	1	-	-	-	15,158-19,500
Social Service Counsel	9	-	-	-	15,158-19,500
Certification Coordinator	1	-	-	-	17,498-22,516
Casework Coordinator	1	-	-	-	17,498-22,516
Chief Social Services Counsel	1	-	-	-	18,720-24,102
Deputy Director of Social Services Administration	1	-	-	-	18,720-24,102
Deputy Director-Human Relations	-	1	-	-	17,498-22,516
Deputy Director-Social Services	1	-	-	-	20,002-26,078
Director of Social Services	1	-	-	-	28,548-35,698
Total	30	1	0	1	

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing Notice of Cross-Motion and Motion to Compel Discovery; Opposition to Defendants' Motions to Dismiss and Affirmation in Support of Cross-Motion and Motion to Compel Discovery; Opposition to Defendants' Motions to Dismiss by serving copies on attorneys for the defendants by delivering a copy to the offices of Joseph C. Pilato, Assistant Monroe County Attorney, County Office Building, Main Street, Rochester, New York and by mailing a copy to Charles G. Finch, Esq., Chief Social Services Counsel, Monroe County Department of Social Services, 111 Westfall Road, Rochester, New York 14620 this 23rd day of January, 1976.

Emmelyn Logan-Baldwin
Attorney for Plaintiffs
Office and P.O. Address:
510 Powers Building
Rochester, New York 14614

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEZ PAGE, DOROTHY DOBSON, RAVELLA FLOYD, INEZ CHARLES, EVELYN FAIRWELL, ALICE ZEALY, GEORGE HOLMES, ENOCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATTHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES McDONALD, DAISY MAY BANKS, MICHELLE COURNOYER, LUZ MARTINEZ, MARIE WARE, ALBERTA FERGUSON, SADIE JOHNSON, *individually and on behalf of all other persons similarly situated,*

Plaintiffs,

REPLY
INDEX NO.
CIV. - 75 - 520

-vs-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, *Director of Monroe County Department of Social Services,* MONROE COUNTY CIVIL SERVICE COMMISSION OFFICE OF CIVIL SERVICE AND PERSONNEL OF MONROE COUNTY, FRED LAPPLE, *Executive Director, Office of Civil Service and Personnel of Monroe County,* GABRIEL RUSSO, *Director of Human Resources of Monroe County and* MONROE COUNTY.

Defendants.

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

FRANK P. CELONA, *being duly sworn, deposes and says:*

1. *That he is an attorney and counselor at law duly licensed to practice in the State of New York and admitted to practice before the*

United States District Court for the Western District of New York.

2. That he is currently employed by the Monroe County Department of Social Services as an attorney and is currently representing the Monroe County Department of Social Services and James Reed, Director, in the above-entitled action.

3. That he makes this affidavit by way of reply to the plaintiff's cross-motion, etc. dated January 23, 1976, and received by Monroe County Department of Social Services on January 26, 1976, at 12:00 p.m.

4. That Mr. Charles G. Finch, Esq., on behalf of the defendants, Monroe County Department of Social Services and its Director, James Reed, did serve upon Plaintiffs, an Answer, Affirmative Defense, Counterclaim and Motion to Dismiss in the time required by the Federal Rules of Civil Procedure.

5. That attorney Joseph C. Pilato, on or about December 30, 1975, did notify Mr. Charles G. Finch of the contents of the letter he received from the Honorable Harold Burke concerning the time and procedure for making a motion to dismiss. Pursuant to Judge Burke's instructions, your deponent did draft and submit in a timely fashion the present motion to dismiss.

6. That due to defendant's timely filing of responsive pleadings and to their timely filing of the present motion to dismiss, pursuant to Judge Burke's instructions, said motion is properly before the court.

7. That, contrary to Mrs. Logan-Baldwin's assertions, the Monroe County Department of Social Services does not have full control of the selection process for the advancement of its employees since it is bound, in most instances, by the results of examinations developed, administered and evaluated by the New York State Civil Service Commission which is not a party to this action.

8. That this is not a proper class action since there are not common questions of law among the plaintiffs and further that, contrary to Mrs. Logan-Baldwin's assertions, there is a problem with having a white person as one of the named plaintiffs. In their complaint plaintiffs specifically state that the class is representing "minority persons" solely. If all of these named plaintiffs are to be considered to be truly representative of all persons similarly situated, i.e. minority persons,

then obviously a white person cannot be a named plaintiff. The fact that Mrs. Logan-Baldwin has used two white persons as named plaintiffs indicates the "shot-gun" nature of this action.

9. That, as to the motion for a protective order, it is a proper objection that the plaintiff's discovery requests are broad, general, irrelevant, and voluminous. Rule 26(c) of the Federal Rules of Civil Procedure specifically states that the court, where the action is pending, may make an order which justice requires to protect a party from "annoyance, embarrassment, oppression or undue burden or expense ..." Clearly plaintiff's discovery motions are so massive and so general that it would be difficult, if not impossible, for defendant, Monroe County Department of Social Services, to even determine if much of what is asked for actually exists in a form which could be intelligently considered and evaluated. Defendant Monroe County Department of Social Services would, of course, have no objection to showing the named plaintiffs their own personnel files, however.

10. That much of what is asked for is, as stated previously, not in the control of defendant Monroe County Department of Social Services. Specifically, these are demands concerning testing done by the New York State Civil Service Commission, which is not a party to the present action.

11. That, in sum, it would take defendant, Monroe County Department of Social Services, months at untold cost, to determine the very existence of much of the material demanded and many months more, at greater expense, to compile available data. Clearly, these discovery motions, in their present form, are burdensome and oppressive and would put an undue burden and expense upon the defendant, Monroe County Department of Social Services.

12. That in light of these massive requests the deponent asks the court to issue a protective order denying all discovery pending the court's decision concerning defendant's motion to dismiss so that the status quo may be maintained.

13. Deponent further requests that Monroe County Department of Social Services be reserved the right to request a further protective order of all discovery motions pending decisions of this court on defendant's motion to dismiss.

WHEREFORE, your deponent once again asks the court to grant the relief requested in defendant's motion to dismiss and for a protective order denying all discovery motions.

Defendants further request that the court grant them costs, disbursements, and attorney's fees for this motion and grant such other and further relief as the court may deem just and proper.

Frank P. Celona

FRANK P. CELONA, ESQ.

Sworn to before me
this 6 day of
February, 1976.

Kathleen A. Madigan
Notary Public
Exp. 3/30/77

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, et al.

Plaintiffs,

-vs-

AFFIDAVIT OF SERVICE

MONROE COUNTY DEPARTMENT OF
SOCIAL SERVICES, JAMES REED, et al.

Defendants.

STATE OF NEW YORK
COUNTY OF MONROE
CITY OF ROCHESTER

Gary Abelson, being duly sworn deposes and says that: Deponent is not a party of this action and is over eighteen years of age and resides at Rochester, New York.

On February 6, 1976, at 510 Powers Building and 307 County Office Building, Rochester, New York, your deponent served the within Notice of Motion upon Emmelyn-Logan Baldwin, Esq. for the plaintiffs and upon Joseph C. Pilato, Esq. for the defendants, by delivering a true copy thereof to them personally.

Deponent knew the attorneys so-served to be the same persons as designated by them as attorneys of record for the plaintiffs and defendants.

Gary Abelson
GARY ABELSON, ESQ.

Sworn to before me
this 6 day of February, 1976.

Commissioner of Deeds

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

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IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CARLES CAMPBELL, INEX PAGE, DOROTHY DOBSON, PAVELLA FLOYD, INEZ CHARLES, EVELYN FAIRWELL, ALICE ZEALY, GEORGE HOLMES, ENOCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES McDONALD, DAISY MAY BANKS, MICHELLE COURNOYER, LUZ MARTIZEN, MARIE WARE, ALBERTA FERGUSON, SADIE JOHNSON, individually and on behalf of all other persons similarly situated,

Plaintiffs,

vs.

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, Director of Monroe County Department of Social Services, MONROE COUNTY CIVIL SERVICE COMMISSION OFFICE OF CIVIL SERVICE & PERSONNEL OF MONROE COUNTY, FRED LAPPLE, Executive Director, Office of Civil Service and Personnel of Monroe County, GABRIEL RUSSO, Director of Human Resources of Monroe County and MONROE COUNTY,

Defendants.

REPLY

Index No.
CIV-75-520

STATE OF NEW YORK)
COUNTY OF MONROE) SS.
CITY OF ROCHESTER)

JOSEPH C. PILATO, being duly sworn deposes and says:

1. That your deponent is an attorney duly admitted to practice before the United States District Court for the Western District of New York and that he is currently employed of Counsel to the Monroe County Attorney's Office, William J.

Stevens, Monroe County Attorney, legal representative for the Monroe County Civil Service Commission, Office of Civil Service and Personnel of Monroe County, Fred Lapple, Gabriel Russo, and Monroe County defendants in the above entitled case.

2. That he makes this affidavit by way of reply to the papers purporting to be a cross motion, etc, dated January 23, 1976, and received by your deponent on January 26, 1976.

3. That your deponent on behalf of the defendants did serve under one heading an Answer, Affirmative Defense, Counterclaim and Motion to Dismiss which pleadings were acknowledged by the plaintiff as having been received on December 17, 1975 and a copy of said pleadings served upon this court at the same time, the purposes of which document was not only to comply with the federal "one motion rule" but in the interest of time should the court fail to grant the motion to dismiss protect the rights of the defendants by way of asserting the answer and respective pleadings to the complaint in the above entitled case.

4. That your deponent received on or about January 5, 1976, a ruling from the Hon. Harold Burke that as to that portion of the pleadings labeled "motion to dismiss" such motion was defective as to form and pursuant to the instructions of said ruling your deponent did redraft and resubmit the current motions to dismiss before this court. All such pleadings were, in fact, timely and indeed any delay in submitting same was occasioned by the practical problems of securing either affidavits or direct

contact with one of the named plaintiffs herein.

5. That your deponent in order to avoid the appearance of inappropriate or improper conduct did contact Mrs. Baldwin to appraise her of his intentions and waited until he was contacted by one Ronald Pilittere, Esq., an attorney who stated that he represented Ms. Michell Cournoyer and after all such conducts your deponent then contacted Ms. Cournoyer directly who stated that she did not wish to be a party plaintiff in the above entitled action, had never seen the allegations attributed to her in the complaint and had signed no authorization for the commencement of this action in her name. She further stated that although sympathetic to the goals of the improvement of racial relations and the avoidance of discrimination she never intended or consented to any court action whereby she would demand or receive any monies arising out of her activities. Your deponent was thus forced to delay an immediate redrafting of the motion to dismiss so that he might base his motion upon this direct knowledge rather than information and belief.

6. That your deponent knows that even if the contentions of Mrs. Baldwin is to timeliness of rule 12(a) and (b) of the Federal Rules of Procedure were accurate the defendants still could move pursuant to the exceptions stated in 12(h) of the Federal Rules of Procedure also rule 56(a), summary judgment, and such other motions as to this court may deem appropriate.

7. That since there is a very serious question as to who are the proper parties in this proceeding in addition to all of the valid grounds for dismissal which your deponent has raised

by timely motion, the objections noted in the purported cross motion are as a matter of law improper and of no legal effect. It is, however, significant that Mrs. Baldwin should seek in her affirmation that the "pleadings are to be liberally construed" and requesting a nontechnical approach to the plaintiffs pleadings (and in fact the pleadings were not received by your deponent until the day of the motion which in itself is untimely) and yet opposing Counsel seeks the hardest instruction and most technical objections possible to the defendant's pleadings who unlike the Plaintiff did not have months to prepare a case but a mere 20 days to respond. The federal rule is, of course, to seek substance over form and in view of the substantial problems with the plaintiffs case at least in part admitted by their pleadings it would seem better not only for the defendant but also for the plaintiffs interest to dismiss this action and seek such proper legal remedies for such proper parties as is appropriate.

8. That as to the erroneous conclusions attached to your deponent's earlier affidavit already before this court, the facts are that your deponent is not the legal representative of the Monroe County Department of Social Services nor a spokesman for same and the basis for deponent's statistics and statement is the Equal Employment Opportunity Commission's determination already before this court which was dated June 27, 1974, and which clearly shows nondiscrimination in hiring and a mere statistical basis for the proper conclusions of discrimination in promotion.

9. That as to the allegations contained in paragraph 17 of the purported cross motion before this court the conciliation process was unilaterally objected to by Mrs. Baldwin as counsel for the plaintiffs (see annexed letter made a part of this pleading). Any inference that the respondents refused to attempt conciliation or resolve any problem concerning employment practices be they real or highly imaginary and false is simply not true. Your deponent does not know the reasons for the refusal of conciliation and the refusal of the plaintiffs to cooperate in the resolution of any problem they may have but believes that their actions are merely an attempt to get greater monetary compensation and counsel fees.

10. That as to the representation of harassment by means of discovery devices one need only examine the myriad and repetitive demands arbritrarily made without any necessity therefor. Your deponent has personally attempted in the interest of saving time and expense to retrieve the various files and information already gathered by the Equal Employment Opportunity Commission and the Justice Department which in the various notice of right to sue filed with plaintiffs complaint and already before this court, dated October 10, 1975, which allows the attorney for the plaintiffs the right to inspect such files and material but your deponent has received no such response. In addition your deponent was already under an order of the Honorable Wilmer Patlow in the state division case by plaintiffs Zieglar, Fitzhugh and Gill to provide essentially the same type of information requested in these various discovery proceedings. If one accepts the plain-

tiffs contention of necessity to this discovery one must draw the logical conclusion that the various allegations in the complaint are groundless and not based on facts known to the plaintiffs.

11. That as to the inference that any agency of the United States has made a material judgment as to the charges levied by the plaintiffs ones attention is drawn to the last paragraph of the aforesaid notice to sue which disclaims any such inference.

WHEREFORE, your deponent again requests the relief requested in the motions before the court and for such other and proper relief as to this court may seem just and proper.

Joseph C. Pilato

JOSEPH C. PILATO

Sworn to before me this
4th day of February, 1976

Mary C. Hendrix

MARY C. HENDRIX
NOTARY PUBLIC, [illegible] County
My Commission Expires March 30, 1977

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
1 WEST GENESEE STREET
BUFFALO, NEW YORK 14202
(716) 842 - 5170

302

July 15, 1975

LaMarr J. Jackson
Affirmative Action Coordinator
County of Monroe
209 County Office Building
39 Main Street West
Rochester, NY

Re: Irvin Gill, etal. vs. Monroe County Department of Social Services & Monroe County Civil Service Commission
Charge No. TBU4 0056

Dear Ms. Jackson:

Following the last conciliation conference on May 30, 1975 with the Respondents, discussions have been held with the Charging Parties' attorney, Emmelyn Logan-Baldwin of Rochester, New York.

The attorney has advised the Commission that the Conciliation Proposal is unacceptable and has requested the Right-to-Sue Notice from the United States Department of Justice.

Eventhough it is no longer possible to conciliate the individual issues, the Commission can proceed with the class issues which cover the recruitment, hiring, promotion, training and affirmative action, as proposed. Please advise me as to the position of the Respondents and the Monroe County Manager, Lucien Morin, in continuing conciliation to resolve these issues.

Very truly yours,

Erna S. Clark

Erna S. Clark
Conciliator

United States District Court
WESTERN DISTRICT OF NEW YORK
Rochester

CHAMBERS OF
HAROLD P. BURKE
DISTRICT JUDGE

December 30, 1975

Joseph C. Pilato
Deputy County Attorney
307 County Office Building
Rochester, New York 14614

Re: Irvin Gill et al vs. Monroe County Department of Social Services. Civil 75-520

Dear Sir:

This will acknowledge your letter of December 16 enclosing under one cover, Answer, Affirmative Defense, Counter Claim and Motion to Dismiss. In your letter you say, "I would appreciate your scheduling a date for the motion to dismiss." I do not consider the form of your motion as a motion at all. It is incorporated in the demand for relief in your affirmative defenses.

If you wish to move to dismiss the action you should do so on a regular motion on notice to the plaintiffs. The regular motion dates are the second and fourth Mondays of each month.

Very truly yours,

HAROLD P. BURKE
U. S. District Judge

HPB:jem

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, et al

Plaintiffs

-v-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, et al

Defendants

AFFIDAVIT

Civ. 75-520

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

Irvin Gill and Dorothy Dobson, being duly sworn according to law, depose and say:

1. We are plaintiffs in the above-noted action. We submit this affidavit in support of our cross-motion and motion to compel discovery and our opposition to defendants' motions to dismiss dated January 23, 1976.

2. Both of us have had and continue to have access to information on the employment of minorities by the Department of Social Services and the placement of those minorities in jobs with the Department of Social Services. This information has been made available to each of us in connection with our employment and our efforts to have the defendants herein voluntarily change their discriminatory policies, practices, customs and

usages in connection with the hiring of minorities.

3. We have seen the affidavits of the defendants submitted in support of their motion to dismiss and have reviewed, in particular, the allegations of the defendants that they do not discriminate because they do employ presently a certain percent of minorities. On the basis of our knowledge of employment of minorities in the Department of Social Services and on the basis of our familiarity with statistical information on that employment, we take issue directly with the statistics submitted by the defendants.

4. The percent of minorities living in Monroe County is approximately 12 percent rather than the approximately eight percent suggested by the defendants. Further, defendants' figure of 14.7 percent minorities employed in the Department of Social Services is a contrived figure. That figure includes numerous non-permanent employees, students or summer help. We know, for example, that in the County of Monroe employment for this past year, that there have been fifty-nine blacks and seven Spanish surnamed employees who have left employment.

5. Further, and more importantly, even if it were arguable that Monroe County is employing minorities in some fashion in relation to their population in the area, our claims of discrimination are still well-taken. However much the defendants say they are trying to hire minorities or however much they have in fact succeeded in hiring some minorities, minorities

still, as a class, are denied the better paying, career-oriented jobs. Black employees generally hold temporary jobs, para-professional jobs or manual jobs. There are no blacks employed whatsoever in the highest paid job categories. One of the blacks who now holds a fairly good job apparently will soon lose that job because the federal monies which were funding that job might not be available in the future.

6. We know that William Carreo, deputy director of administration of the Department of Social Services, has stated in writing that he considers positive efforts by the Department of Social Services to give minorities opportunities in the higher-paying jobs to be "discrimination in reverse."

7. All issues as to discrimination by the defendants are in dispute including for example discriminatory hiring practices, discriminatory job classification systems and pay scales, discriminatory promotion practices, discriminatory administration of training programs, discriminatory transfer policies, discriminatory allocation of titles, use of invalidated tests and other invalidated appointment criteria and the discriminatory use of provisional appointments to advance the advantage of white employees over that of black employees.

Irvin A. Gill
IRVIN GILL

Sworn to before me this
6th day of February 1976.

Notary Public

EMMEL[illegible] LOGAN-BALDWIN
NOTARY PUBLIC, State of N. Y., Monroe Co
Commission Expires March 30, 19[illegible]

Dorothy Dobson

DOROTHY DOBSON

Sworn to before me this
6th day of February 1976.

Notary Public

EMMELYN LOGAN - BALDWIN
NOTARY PUBLIC State of N. Y., Monroe Co.
Commission Expires March 30, 197[illegible]

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 1976, I served the foregoing Affidavit on the defendants by my causing a copy of same to be delivered to attorneys for the defendants, Joseph Pilato, Esquire, County Office Building, Rochester, New York, and Charles Finch, Esquire, 111 Westfall Road, Rochester, New York.

EMMELYN LOGAN-BALDWIN
Attorney for Plaintiffs
510 Powers Building
Rochester, New York 14614

February 6, 1976
Rochester, New York

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, Individually and on behalf of other persons similarly situated, et al,

Plaintiffs,

-vs-

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, et al,

Defendants.

AFFIRMATION

STATE OF NEW YORK
COUNTY OF MONROE
CITY OF ROCHESTER SS:

Michele Cournoyer, being duly sworn, according to law, deposes and says:

1. I reside at 9 School Lane, Pittsford, New York. I make this affidavit in support of my application herein to be voluntarily discontinued as a plaintiff in this lawsuit.

2. Along with other plaintiffs in this lawsuit, I complained of the employment discrimination of the defendants to the Equal Employment Opportunity Commission. The Commission conducted an investigation of the charges and found reasonable cause to believe that the defendants had discriminated because of race. The Commission sent me a copy of that determination as well as information on procedures it would take by way of conciliating the charges.

3. Efforts of the Commission to resolve the complaints by conciliation did not succeed. The United States Department of Justice then issued Right to Sue Notices to me and to other persons who had complained to the Commission.

4. Shortly after the receipt of the Right to Sue Notice, Susan Shaffer, an attorney practicing with Emmelyn Logan-Baldwin, attorney for me and other persons who had complained to the Commission, talked with me about receipt of the Right to Sue Notice and the filing of the lawsuit in federal court within the time period allowed. She reviewed my employment situation and claims of discrimination with me. I indicated to her that she should proceed with including me with other persons who would be plaintiffs in this lawsuit.

5. Since the filing of this lawsuit, I have concluded, that for personal reasons, I choose not to proceed with litigati my claims I might have at this time. I have so indicated this to my attorney, Emmelyn Logan-Baldwin, who I understand, has asked the court that this lawsuit be discontinued as to me voluntarily and without assessment of costs to me. I also indicated this information to Mr. Pilato, attorney for Monroe County, when he asked me. Mr. Pilato is mistaken when he suggests that I said that I had not had contact with Mrs. Logan-Baldwin's office and authorized my participation in this lawsuit. I simply told him, as I have already indicated, that since the lawsuit has started I have, for personal reasons,

decided not to proceed further at this time. I request, therefore, that the court voluntarily discontinue this action as to me and that the court do so without imposing costs.

Michelle M. Cournoyer
MICHELE COURNOYER

Sworn to before me this
8 day of March 1976.

Althea Biviano

ALTHEA BIVIANO
NOTARY PUBLIC, State of N. Y., Wayne County
No. 59-5329750
Commission Expires March 30, 1976

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEZ PAGE, DOROTHY DOBSON, RAVELLA FLOYD, INEZ CHARLES, EVELYN FAIRWELL, ALICE ZEALY, GEORGE HOLMES, ENOCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES McDONALD, DAISY MAE BANKS, MICHELLE COURNOYER, LUZ MARTINEZ, MARIE WARE, ALBERTA FERGUSON, SADIE JOHNSON, individually and on behalf of all other persons similarly situated,

Plaintiffs

- vs - CIVIL 75-520

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, Director of Monroe County Department of Social Services, MONROE COUNTY CIVIL SERVICE COMMISSION, OFFICE OF CIVIL SERVICE & PERSONNEL OF MONROE COUNTY, FRED LAPPLE, Executive Director, Office of Civil Service & Personnel of Monroe County, GABRIEL RUSSO, Director of Human Resources of Monroe County and MONROE COUNTY,

Defendants

Emmelyn Logan-Baldwin
510 Powers Building
Rochester, N.Y. 14614
Attorney for plaintiffs

Charles G. Finch
111 Westfall Road
Rochester, New York 14620
Attorney for Monroe County Department of Social Services and James Reed as Director
(Frank Celona, of counsel)

William J. Stevens
307 County Office Building
Rochester, N.Y. 14614
Attorney for Monroe County Civil Service Commission, Office of Civil Service & Personnel of Monroe County, Fred Lapple, Gabriel Russo and Monroe County
(Joseph G. Pilato, of counsel)

The defendants Monroe County Department of Social Services and James Reed as Director, by notice of motion with supporting papers, filed January 19, 1976, moved to dismiss the action.

The defendants Monroe County Civil Service Commission, Office of Civil Service and Personnel of Monroe County, Fred Lapple, Gabriel Russo and Monroe County, by motion with supporting papers filed January 26, 1976, moved to dismiss the action.

The motions came on for argument on January 26, 1976 and February 9, 1976 and were submitted for decision on written memoranda on March 8, 1976. On due consideration it is hereby

ORDERED that the action is dismissed on the following grounds: Failure to state a cause of action, plaintiffs' lack of standing to bring this suit, the action is barred by the statute of limitations, and the New York State Department of Social Services and the New York State Civil Service Commission and their respective directors are indispensable defendants.

HAROLD P. BURKE
United States District Judge

April 21, 1976.

BEST COPY AVAILABLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

IRVIN GILL, et al.

-vs- Civ- 75-520

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, et al.

JUDGMENT

SIR: Take notice of an ~~ORDER~~, of which the within is a copy duly granted in the within entitled action on the 22nd day of April, 1976, and entered in the Office of the Clerk of the United States District Court, Western District of New York, on the 22nd day of April, 1976.

Dated: Buffalo, New York

April 22, 1976

JOHN K. ADAMS, Clerk
U.S. District Court
U.S. Courthouse
Buffalo, New York 14202

TO: Emmelyn Logan-Baldwin, Atty.
Attorney for Plaintiff

TO: Charles G. Finch, Esq.
William J. Stevens, Esq.
Attorney for Defendant

FEDERAL RULES OF CIVIL PROCEDURE 77(d)

JUDGMENT ON DECISION BY THE COURT — CIV 32 (7-63)

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

CIVIL ACTION FILE NO. 75-520

IRVIN GILL, et al.

vs.

MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, et al.

JUDGMENT

This action came on for ~~XXXX~~ (hearing) before the Court, Honorable Harold P. Burke, United States District Judge, presiding, and the issues having been duly ~~tried~~ (heard) and a decision having been duly rendered,

It is Ordered and Adjudged that the action is dismissed on the following grounds: Failure to state a cause of action, plaintiffs' lack of standing to bring this suit, the action is barred by the statute of limitations, and the New York State Department of Social Services and the New York State Civil Service Commission and their respective directors are indispensable defendants.

Dated at Buffalo, New York, this 22nd day of April, 1976.

JOHN K. ADAMS

JOHN K. ADAMS
Clerk of Court

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IRVIN GILL, ROBERT ZIEGLAR, KATHERINE HARRIS, MARIE FITZHUGH, CHARLES CAMPBELL, INEZ PAGE, DOROTHY DOBSON, RAVELLA FLOYD, INEZ CHARLES, EVELYN FAIRWELL, ALICE ZEALY, GEORGE HOLMES, ENOUCH MORRISON, RUBY BLACKWELL, ROSIE LEE SAILES, BETTY JO TRAVIS, DOROTHY LATHAM, LUTHER ROBINSON, ELADIA FUENTES, VELMA WILLIAMS, DOLORES ALLEN, VIVIAN SILAS, BEATRICE HILL, SALENA MATHEWS, ANNIE HICKS, HARRIET WEATHERS, LINDA GAFFNEY, GRACE RUTHERFORD, DORETHA DIGGS, STELLA HOLMES McDONALD, DAISY MAE BANKS, MICHELLE COURNOYER, LUZ MARTINEZ, MARIE WARE, ALBERTA FERGUSON, SADIE JOHNSON, individually and on behalf of all other persons similarly situated, Plaintiffs -vs- MONROE COUNTY DEPARTMENT OF SOCIAL SERVICES, JAMES REED, Director of Monroe County Department of Social Services, MONROE COUNTY CIVIL SERVICE COMMISSION, OFFICE OF CIVIL SERVICE & PERSONNEL OF MONROE COUNTY, FRED LAPPLE, Executive Director, Office of Civil Service & Personnel of Monroe County, GABRIEL RUSSO, Director of Human Resources of Monroe County and MONROE COUNTY, Defendants.	NOTICE OF APPEAL Civil 75-520

PLEASE TAKE NOTICE that plaintiffs Irvin Gill, Robert Zieglar, Katherine Harris, Marie Fitzhugh, Charles Campbell, Inez Page, Dorothy Dobson, Ravella Floyd, Inez Charles, Evelyn Fairwell, Alice Zealy, George Holmes, Enoch Morrison, Ruby Blackwell, Rosie Lee Sailes, Betty Jo Travis, Dorothy Latham, Luther Robinson, Eladia Fuentes, Velma Williams,

Dolores Allen, Vivian Silas, Beatrice Hill, Salena Mathews, Annie Hicks, Harriet Weathers, Linda Gaffney, Grace Rutherford, Doretha Diggs, Stella Holmes McDonald, Daisy Mae Banks, Luz Martinez, Marie Ware, Alberta Ferguson, Sadie Johnson appeal to the Second Circuit Court of Appeals from the Order and Decision of the Honorable Harold P. Burke dated April 21, 1976 and entered April 22, 1976 dismissing plaintiffs' complaint as to all causes of action and as to all defendants. Plaintiffs herein noted appeal on the law and facts and from each and every part of said Order and Decision.

Emmelyn Logan-Baldwin
Attorney for Plaintiffs
Office and P.O. Address:
510 Powers Building
Rochester, New York 14614
Telephone: 232-2292

May 14, 1976
Rochester, New York

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Appendix was served on the defendants-appellees by my causing a copy thereof to be mailed to attorneys for defendants-appellees, Joseph C. Pilato, Esq., Deputy County Attorney, Monroe County Office Building, Rochester, New York 14614 and Frank P. Celona, Esq., Social Services Counsel, Monroe County Department of Social Services, 111 Westfall Road, Rochester, New York 14620, this 19th day of July, 1976.

EMMELYN LOGAN-BALDWIN
Attorney for Plaintiffs-Appellants
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